

# MIDWEST JOURNAL OF *Political Science*

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*Published for*  
MIDWEST CONFERENCE *of* POLITICAL SCIENTISTS  
*By*  
WAYNE STATE UNIVERSITY PRESS

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Published by Wayne State University Press, 4841 Cass Avenue,  
Detroit 2, Michigan







# MIDWEST JOURNAL

OF *Political Science*

VOLUME 1

NUMBERS 3-4

NOVEMBER 1957

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## *Alexander Hamilton and the American Tradition*

IT IS A commonplace that every nation continuously rewrites its history to accord with changes in its moods, ideals and prejudices. The mood of America over the past several years has been a conservative one, a circumstance that has led to a revival of interest in Alexander Hamilton, that national figure who stands out above all others as the architect of a native American conservatism.

And yet it is a curious fact that there are few willing to do him the homage he earned or to recognize his claim to paternity.<sup>1</sup> This seems to be due largely to the fact that the vocal conservatives are the intellectuals, and intellectual conservatives have always been in favor of aristocracy in principle and in general, but have rarely been pleased with any actual aristocracy in particular. Intellectual conservatives in America especially have had little

<sup>1</sup> A notable recent exception is Louis M. Hacker, *Alexander Hamilton in the American Tradition* (New York: McGraw-Hill Book Company, 1957).

use for the practising conservative, the man of affairs, the spokesman for an economic power elite operating in a business-dominated culture. In the first place, the intellectual, even when he is a conservative, is bound to suffer the alienation felt in some degree by all intellectuals in a business-oriented society. In the second place, the economic conservative has generally neither felt the need for nor requested intellectual support, though he is willing to accept it from those who like von Mises and Hayek speak in the language of business interests. Finally, the intellectual conservative's concern is with tradition, balance, Providence or Higher Law as sources of restraint on man's innate anti-social tendencies. He is accordingly bound to take a dim view of a narrow conservatism that equates private interest with public interest and glorifies an aristocracy not itself restrained by "the tradition of civility." For these and perhaps other reasons, when modern intellectual conservatives have sought to identify the American conservative tradition, they have avoided Hamilton like the plague. When they deal with him at all it is only to dismiss him as a "pseudo-conservative," an "economic conservative" seeking to defend vested interests, a materialist and an economic determinist, and therefore outside the authentic "conservative tradition."<sup>2</sup>

But if there is a conservative tradition in America, it is the conservatism of Hamilton. And while intellectual conservatism in our own day has stirred the academic community, it has made scarcely a ripple in the world of affairs where the conservative tradition of Hamilton has had its triumphs. For Hamilton is, beyond question, the founding father of the G. M. view of the national interest, of a businessman's government, of the partnership principle, of the conservatism of the present administration and of the mood and principles that put it in office.

The modern practitioners of this economic conservatism are no more inclined than the intellectuals to re-evaluate Hamilton's role

<sup>2</sup> See, for example, Russell Kirk, *The Conservative Mind* (Chicago: Henry Regnery Company, 1953), p. 65, and Clinton Rossiter, *Conservatism in America* (New York: Knopf, 1955), pp. 112 ff. An exception is Raymond English, "Conservatism; The Forbidden Faith," *American Scholar*, XXI (1952), 400-401. English argues that Hamilton, together with Madison, represents the beginning of the tradition of "philosophic conservatism" in America.

in the American tradition. Economic conservatives are not, in the first place, tradition-minded. Their concerns are, like Hamilton's, intensely practical affairs. There is in their outlook an anti-intellectual bias rooted in their commitment to the "realist" view that thought is, after all, parasitic upon action. And there is, in the slogan that "progress is our most important product" and in the activist frame of mind an anti-traditional bias. The appeal of business conservatism is to "success," to the pragmatic test of "workability," to the realist's test of "practicality." If there is any connection here with the intellectual's fondness for tradition, it is to be found in Disraeli's remark that "being practical means continuing in the mistakes of our ancestors." If the practical business conservative conserves a tradition, he does so almost unwittingly, and he is likely to feel no need to prove his legitimacy by establishing his paternity.

There are, therefore, not many eager to sing Hamilton's praises in our own day. But neither was he a popular figure in his own. That he was not seems to have been due to the role he played, as the architect of economic conservatism, in relation to the intellectual conservatives and the liberals of the time. The chief figure among the intellectuals was, of course, John Adams. Adams was in the authentic intellectual conservative tradition of the West which, since Plato and Aristotle, had sought a solution to the problems posed by the tendency of power to corrupt and the irrational proclivities of human nature in the effort to find an alternative to a government of men. Adams found the solution in the doctrine that John Taylor called "doctor Balance, venerable with the rest of antiquity,"<sup>3</sup> and in tradition operating in a system of stable social orders. On this basis Adams worked out his elaborate and intricate network of constitutional balances which would, like the Newtonian universe, insure equilibrium under a "government of laws" and, in a mechanical counterposing of powers, provide an alternative not only to majority rule, but to the rule of minorities as well. But while Adams was adding yet another mechanical feature, the better to insure a "government

<sup>3</sup> John Taylor, *Inquiry Into the Principles and Policy of the Government of the United States* (New Haven: Yale University Press, 1950), p. 61.

of laws," Hamilton turned his genius to constructing a political economy in which the "best men" would rule. The "rich, wise, and well-born" would constitute the elite whose judgment would decide between balance and unbalance. For, to Hamilton, government—indeed all social relations—were synonymous with power. Power—centralized, discretionary authority—he held to be the necessary condition of social organization and progress.<sup>4</sup>

It can be persuasively argued that it has always been the fate of intellectual conservatives to supply a moral smokescreen for the machinations of the Machiavellian man of power. The intellectual's effort to do people good has often been ammunition for the man of power who would do them, good. At least this has been the case where the man of power has been perceptive enough to see that the appeals to tradition and balance are essentially spurious, but useful.

And when Adams' irascibility led him to the remark that Hamilton was the "bastard brat of a Scots peddler," he was not simply giving vent to his outraged and admittedly over developed conceit. Nor was the remark unfair solely on the ground that there was at the time no clear evidence as to the nationality of the peddler. Adams' pique and his hatred of Hamilton stemmed from the fact that he was being used by Hamilton. And he knew it. Hamilton could use him because Hamilton understood, as Adams did not, that governments are always "of men."<sup>5</sup>

For the same reasons Hamilton was able to make use of the "liberal" theory of laissez faire in the interest of a policy more mercantilist than competitive in the classical sense. He had read Adam Smith, but he was not impressed by the main argument.

He was always aware of the sophistry by which every contract was held to be free which was voluntary. He saw clearly that the contractual relationships on which capitalism rested were always matters of relative bargaining power. For him, property

<sup>4</sup> Government, Hamilton argued in *Federalist No. 33*, "is only another word for POLITICAL POWER AND SUPREMACY."

<sup>5</sup> Although Hamilton, in *Federalist No. 35* and *No. 60*, argues for the Constitution as a system of balance, he was never persuaded, as was Adams, that balance is an alternative to power. His willingness to use Adams' arguments to serve other purposes was not calculated to endear him to Adams.

was power, and justly so.<sup>6</sup> The superior are entitled to rule. Since the harmony of interests is not guaranteed by an invisible hand of nature or nature's God, then it must be humanly contrived. To leave men "free," in the classical sense, to seek their own interests in a system of universal competition is to invite anarchy. To imagine that a society is possible in which no man is subject to the constraint of another is visionary idealism. For Adam Smith's invisible hand, Hamilton would substitute the visible hands of the leaders of men. The real political problem, he held, is to insure that those who occupy the uppermost rungs in the political and economic hierarchies, and who accordingly order the lives of those in the lower levels, are genuinely the most capable, far-sighted and enlightened.

Although he has been widely interpreted as a monarchist—this is the basis of the well-known charge that he was a great man, but not a great American—the scheme of government to the erection of which he devoted all his energies and talents has been more accurately labelled by Lodge as "an aristocratic as distinguished from a democratic republic" with a centralized and powerful government.<sup>7</sup> The evils of the Confederation sprang, in his view, from two sources: "the too great power of the states" which precluded the necessary vigor and strength in the national government, and "the democratic form of their governments."<sup>8</sup> But the aristocracy which he sought was not an aristocracy based on hereditary orders and classes. It was rather a dual aristocracy: an economic aristocracy of the enterprising in an expanding capitalist economy in close alliance with a far-sighted, enlightened political aristocracy in a limited, representative republic.

At the same time it is not true that Hamilton naively identified the public interest with the private interests of his economic aristocrats. The public interest, for him, lay always in national power and wealth. This end could be realized only by utilizing

\* This is a fundamental premise of the "Report on Manufactures." And this, together with his recognition of the force of habit and emulation, also stressed in the "Report," made the *laissez faire* assumption of a natural harmony of interests inadmissible.

<sup>7</sup> Henry Cabot Lodge, *Alexander Hamilton* (Boston: Houghton Mifflin Company, 1898), p. 60.

<sup>8</sup> Lodge, *op. cit.*, pp. 61-62.

the egoistic pecuniary and power drives of individuals. Strong, stable government must rely on and make use of human frailties. National power must rest on private property; but national power, not private profit, remains the criterion.<sup>9</sup> This implies the existence of at least one aristocratic class—the governing class—who are aloof from the meaner motives of profit and wealth which dominate the lives of the economic aristocracy. It was this role which Hamilton envisioned himself as occupying, and not without considerable justification. Personally, he seems to have had nothing but contempt for the motives that guided the speculators and for the crass materialism of the struggle for wealth. These men and these motives must be catered to and put into the service of a strong national state, but under the direction of men like himself, men of loftier view adept in turning the meaner motives of lesser men to public account. No charge of speculation, no charge of turning his remarkable intellectual powers or his access to inside information to his own aggrandizement was ever successfully maintained against him.<sup>10</sup> If he was a man with pride enough to match his inordinate ambition, the stakes for which he played were not the paltry counters of the market place; they were the destiny of a nation. To translate the narrow private interests of his talented but parochial fellows into the sinews of strength of a stable and orderly society; to prevent the rabble from destroying themselves and society with them through the pathetic delusions of grandeur inspired in them by the theory of democracy; to provide a new nation with the kind of government which it really needed and to save it from the anarchy to which an ignorant and misguided populace would have liked to bring it; these constituted Hamilton's mission as he saw it.

As the acknowledged leader of the Federalist party, and as self-

<sup>9</sup> This point of view is reflected, for example, in his attitude on the protective tariff. In *Federalist No. 35* he wrote that duties are exorbitant if they "tend to render other classes of the community tributary, *in an improper degree*, to the manufacturing classes, to whom they give a *premature monopoly* of the markets." Italics supplied.

<sup>10</sup> This was not due to lack of energy or diligence on the part of the Jeffersonians. The lengths to which they were willing to go to discredit Hamilton personally are revealed in the roles played by Monroe and others in the Reynolds affair.

appointed Prime Minister of Washington's cabinet, Hamilton bent all his energies to the task. Fundamentally, his problem was to establish policies which would firmly link the interests of the wealthy and powerful with the interests of the state. From his position as Secretary of the Treasury he submitted to Congress the financial and economic program designed to accomplish this objective. The funding of the national debt at par, the assumption by the national government of state debts, the establishment of a national bank, and the program of economic development under a protective tariff outlined in his "Report on Manufactures" were to establish the new nation on a solid capitalistic basis. The economic and financial sinews of national strength and power required an integrated ruling class.

Hamilton's contempt for the common man was never more than thinly concealed. "The mass of the people," he thought, "are turbulent and changing; they seldom judge or determine right." So far as the masses of men are concerned, therefore, when we say that Hamilton's dream was an aristocratic republic of the enterprising, what we mean to describe is a form of representative government in which it is the aristocracy who are actually represented. So far as the masses are concerned, Hamilton argued that they *were* represented in any government which spoke for them through the aristocracy. Their *real* interests are identical with the interests of the commercial or landed aristocracies.<sup>11</sup> This is the theory of "virtual representation" developed by Burke and utilized in England to maintain the substance of aristocracy in the language of democracy. In the *Federalist* Hamilton confuses the issue by describing the constitutional limitations on popular sovereignty as, in effect, cooling off devices which permit an appeal from the people drunk to the people sober. But he saw them as nothing of the kind. Popular "delusions" are to be resisted, not temporarily in order to provide time for second thought, but as a permanent arrangement made possible by a system of representation designed to reflect the interests of the aristocracy.<sup>12</sup>

<sup>11</sup> See *Federalist No. 35* in which Hamilton argues that "merchants" and "landholders" are the "natural representatives" of "mechanics" and persons engaged in agriculture respectively.

<sup>12</sup> This is an implicit premise in his argument for "time and opportunity for more cool and sedate reflection" in *Federalist No. 71*.



Hamilton was not alone in his distrust of the people and in his contempt for democracy. What made him the leader of the conservative forces of his day was his ability to translate their aspirations into a legislative program. What made him also their spokesman was his facility in making use of the doctrines of intellectual conservatism and of popular sentiments of democracy as well. Representative government, federalism, even natural rights, could be used to support institutions capable of infusing and making dominant the aristocratic spirit. His state papers, the crusading series of newspaper articles that poured from his pen in every crisis, and his public speeches were masterpieces of the manipulation of political symbols. The democrats could have their high-sounding slogans; Hamilton would even help to make them popular, provided always that they could be used to cloak the realities of an aristocratic, orderly, strong government.<sup>13</sup>

When, however, in 1800 it appeared that republican government must come to mean democratic government, when it seemed that the federal structure must play into the hands of the Jeffersonians, when "states rights" could be used in the Virginia and Kentucky Resolutions to challenge the constitutionality of the Alien and Sedition Acts, Hamilton was prepared to drop the pretense and was as willing and ready to destroy the states and to eliminate republicanism as he had been earlier to defend them. His speeches before the New York Convention for the Ratification of the Constitution had justified that document as resting on the representative and federal principles.<sup>14</sup> "I insist," he said, "that it never can be the interest or desire of the National Legislature to destroy the State governments." But the evidence is abundant that he never developed any emotional attachment

<sup>13</sup> Hamilton's contributions to the *Federalist* are replete with examples. Compare, for example, his argument for majority rule in *No. 22* with his argument for balance in *No. 35* and *No. 60*. For examples of Hamilton's dissimulation in the area of foreign policy see Albert H. Bowman, "Jefferson, Hamilton and American Foreign Policy," *Political Science Quarterly*, LXXI (1956), 18-41. It was this hypocrisy that led John Quincy Adams to the remark that "like the Priests of Egypt, he had a revelation for the multitude and a secret for the initiated."

<sup>14</sup> Henry Cabot Lodge (ed.), *Works of Alexander Hamilton* (Constitutional edition; New York: G. P. Putnam's Sons, n. d.), II, 67-70.



to a state government and always regarded the states as obstacles to the energy and power required in a central government.

The idea of federalism was harmless enough, however, so long as the instruments of national government were not handicapped by it. So long, that is, as the theory could be construed to permit the establishment of a national bank and such other instrumentalities as a powerful, aristocratic state demanded. But when the states seemed to provide the basis of the growth and strength of the Jeffersonian political machine, federalism became an intolerable doctrine. Thus, in 1799 in a letter to Drayton, the Speaker of the House, Hamilton advised the subdivision of the states into convenient administrative units as soon as practicable.

In the New York Convention Hamilton had also argued that the Constitution, through its system of representation, founded all political power on the people. But when Jefferson's victory seemed imminent in 1800, it was Hamilton who planned and engineered the strategies by which some Federalists were willing to destroy representative government to defeat Jefferson. After the defeat of the Federalists in the New York elections, it was Hamilton who wrote Governor Jay suggesting that he adopt a tactic which would have nullified the election and maintained the Federalists in power. "In times like these," he wrote, "it will not do to be overscrupulous." Whatever is necessary must be undertaken "to prevent an atheist in religion and a fanatic in politics from getting possession of the helm of the state."<sup>15</sup> And when he added that he regarded the proposed measures as being "legal and constitutional steps," he was not simply ministering to a guilty conscience; he was restating his view that the constitutional principles of representation, federalism, and civil liberties had been concessions to popular prejudice which were never intended to interfere with the essential principles of aristocracy and national power.

The Federalists had, from the beginning, identified democracy with anarchy. This conviction was strengthened by the impact of the French Revolution on American politics. American democrats had been restive but unorganized in the face of Hamilton's

<sup>15</sup> *Ibid.*, X, 371.

financial and economic program. Indeed, until Gallatin's appearance on the national scene, none of the Jeffersonians seems to have had sufficient grasp of the principles of public finance to understand that program well enough for effective criticism. Vaguely but deeply concerned about what they regarded as the infusion into American culture of the spirit of aristocracy, Jefferson's mob was galvanized into effective political organization and action by the French struggle for the Rights of Man. The Hamiltonians never understood this American reaction to the French Revolution. They regarded it as confirmation of their fears, as an attack on society that must lead to anarchy and despotism. Jeffersonians, Hamilton was convinced, were American Jacobins. Almost at the inception of the French Revolution, he advised Lafayette that the end result must be mob rule, anarchy, war and ruthless dictatorship.<sup>16</sup> His fatal error lay in assuming that the causes were rooted in the theory of democracy and the doctrine of natural rights and that, therefore, Jeffersonians were cut from the same cloth. This conviction led him increasingly to identify dissent from Federalist policies with treason and to regard himself and his policies as the only barrier between the country and a reign of terror. In 1800, with the victory of Jefferson imminent, he announced to an assemblage of prominent Federalists that he confidently expected that within four years "he would either lose his head or be the leader of a triumphant army."<sup>17</sup>

Henry Cabot Lodge, writing in 1882, observed: "That this dread of the success of the other side in a representative government should have led such a man as Hamilton" to such attitudes "is a most melancholy example of the power and the danger of such sentiments, which are wholly foreign to free constitutional systems."<sup>18</sup> The relevance of Lodge's comment for American politics since World War II will only be lost on those who, like

<sup>16</sup> David Loth, *Alexander Hamilton; Portrait of a Prodigy* (New York: Carrick & Evans, Inc., 1939), p. 207.

<sup>17</sup> *Aurora*, June 21, 1800. Quoted by Claude G. Bowers, *Jefferson and Hamilton: The Struggle for Democracy in America* (Boston: Houghton Mifflin Company, 1925), p. 462.

<sup>18</sup> Lodge, *op. cit.*, p. 225.

Hamilton, hold values that they prize more dearly than those of intellectual freedom.

While the reaction of the democrats to the French Revolution, for example in the case of Genet, seemed to confirm the fears of Hamilton and the Federalists, the course of action which they pursued had deeper roots. The reaction took the form of the Alien and Sedition Acts. The organization of the Jeffersonian party and its democratic societies was the immediate provocation. In 1794 Washington had been prevailed upon to include an attack on the societies in his Message to Congress. Increasingly, the leading Federalists and their newspapers tended to identify popular opposition to their policies with treason. Finally, from 1798 to the fall of 1800, the new nation experienced its first reign of terror—but a reign of terror like those that followed periodically later, underwritten in the name of law and order and justified in the name of freedom. But if the reign of terror was not as terrifying—or as effective—as its proponents would have desired, it was because men in large numbers refused to be terrified. They believed that, as Tawney later put it, “men exercise only the power that they are allowed to exercise by other men, whom, when their clothes are off, they much resemble. . . .” And, accordingly, they understood further that “to destroy it, nothing more is required than to be indifferent to its threats, and to prefer other goods to those which it promises. Nothing less, however, is required also.”<sup>19</sup>

Relying on a letter in which Hamilton warned his colleagues against the severe language of the first drafts of the Alien and Sedition Acts, historians have quite generally acquitted him of responsibility for them. Hamilton, I think, would smile at this tenderness. His initial objections to the acts were dictated by a strategic desire not to make martyrs of the Jeffersonians needlessly. His subsequent behavior and pronouncements indicate a firm allegiance to the principle that orderly government rests on what modern political scientists call “charisma”—the emotional reliance of the people on the potency of their leaders—and on reverence

<sup>19</sup> R. H. Tawney, *Equality* (New York: Harcourt, Brace and Co., 1931), p. 211.

for constituted authority.<sup>20</sup> Enduring stability and strength require that these characteristics be matters of habit and tradition. But where these sanctions are unavailable, the coercive imposition of loyalty constitutes a necessary if temporary substitute.

With the victory of Jefferson in 1800, Hamilton was despondent. "Every day," he wrote to Gouverneur Morris in 1802, "proves to me more and more that this American world was not made for me." And he cautioned Morris to recognize the fact that, though, "by birth a native of this country," he too was "by *genius* an exotic," acting upon a stage unsuited to his aristocratic outlook and superior talents.<sup>21</sup> The cynical Morris was better equipped than Hamilton to adjust to defeat, but Hamilton had built better than he knew. The impersonal forces on which he had built were still operative. The dynamism of technological change, as he had foreseen, meant the development of commerce and industry, factories and cities. And industrialism, as he clearly foresaw, was the key to national survival in the world of the future. The victory of the North in the Civil War was the irrefutable vindication of his insight.

But in 1802 Hamilton was misled by his thoroughly mistaken appraisal of the meaning and implications of American democratic ideals and of their relation to the physical facts of the frontier. The philosophy of liberty and equality in America was not, as he thought, a doctrine of perfection which must lead to anarchy or despotism. To be sure, the meaning of equality to men like Jefferson, Paine and Taylor was not exhausted, as Hamilton would have liked and as some modern conservatives would have us believe, in the principle of equality before the law. It was more a moral guide to conduct than a legal rule. "Choose equality and flee greed," Menander had said in one of his maxims.<sup>22</sup> The choice of equality, John Taylor of Caroline similarly contended, is an alternative to "avarice and ambition." In his words, "a handful

<sup>20</sup> See James Morton Smith, "Alexander Hamilton, the Alien Law, and Seditious Libels," *Review of Politics*, XVI (1954), 305-333.

<sup>21</sup> Letter to Morris of February 27, 1802. Quoted by Lodge, *op. cit.*, pp. 262-263. Italics in original.

<sup>22</sup> Quoted by Matthew Arnold in his essays on "Equality." *Mixed Essays* (New York: Macmillan and Company, 1879), p. 49.

of guineas thrown among a mob" and Hamilton's program of "a mountain of dollars exposed to be scrambled for by a nation" are equally well calculated to infuse in the populace the creed of inequality, the belief that no man can regard his condition as worthwhile unless it is manifestly better than his neighbor's.<sup>23</sup> Taylor was not alone. In the writings of Paine, Sam Adams, Barlow and others, equality recurs as the alternative to "avarice and ambition."

It was not that these men imagined that the desires for wealth and power could be eliminated as potent human motivations. "Where avarice and ambition beat up for recruits," Taylor noted, "too many are prone to enlist."<sup>24</sup> What they objected to was the official, public alliance between government and an economic power system. What they argued was that to make capitalism public policy—in the modern phrase, to qualify democracy with the adjective capitalistic—is to destroy its essential meaning. What these men objected to, in short, was an official alliance between government and a particular creed of inequality, the effect of which would be to put those inequalities beyond the reach of public examination, and to make difficult or impossible the realization of other and more important human differences and potentialities.

"Power over a man's subsistence," Hamilton had said, "is power over his will." The Jeffersonians agreed. But they concluded that economic independence is therefore a necessary condition of the free society. Their ideal democrat was the man who approximates, or at least seeks to approximate, the character of the Jeffersonian journalist and editor, Philip Freneau, as Bowers describes him: "He had no vanity, no ambition for place or power, and no fear of either. He wore no man's collar and he was no man's man. He was a law unto himself."<sup>25</sup> Industrial and urban society represented for them the conditions in which this kind of individuality was impossible precisely because industrial and commercial property, as distinguished from agricultural property in the frontier community, implied control over men's

<sup>23</sup> Taylor, *op. cit.*, p. 195.

<sup>24</sup> *Ibid.*, p. 71.

<sup>25</sup> Bowers, *op. cit.*, p. 160.

lives and magnified in all men "the thirst of avarice and ambition for wealth and power."<sup>26</sup> They sought refuge in an agrarianism where, they believed, conditions of life made the ethic of equality possible and practicable. They believed that the Hamiltonian system, in its doctrines of the Main Chance and equality of opportunity to achieve inequalities, contained the most seductive form of the aristocratic principle, and the only one which had a real chance of corrupting the moral principles of American democracy. They proposed that the greatness of America lay in its dedicating itself to the pursuit of equality as the most adequate basis for the development of individual capacities of mind and character, and as the only framework in which diversity of natural endowment could find both expression and recognition. Equality, as James Wilson expressed it in the Constitutional Convention, meant that not wealth or power, but the "cultivation and improvement of the human mind" was the primary object of government.<sup>27</sup> The victory of Hamiltonianism meant for Taylor the establishment of an aristocracy of "paper and patronage"; but more important it meant in a fundamental sense the "democratization of aristocratic vice," the abandonment of the moral principle of equality which both justified democratic institutions and gave them meaning.

But any real threat to Hamilton's vision of a capitalistic and aristocratic society could come only from an alternative program for channeling the forces of industrialization and urbanization. The existence of the frontier and the absence of a social system linking an hereditary aristocracy with land ownership seemed to make it unnecessary for the democrats to face the difficult task of working out the implications of their assumptions in the conditions of industrialism. Unlike Europe, the philosophy of liberty, equality, fraternity was not formulated in a manner capable of challenging effectively the growth of industrial capitalism. If this circumstance helped save us from doctrinaire socialism, it like-

<sup>26</sup> Taylor, *op. cit.*, p. 124.

<sup>27</sup> Quoted in Alpheus Thomas Mason, *Free Government in the Making* (New York: Oxford University Press, 1949), p. 234. It was from this central premise that Wilson argued the validity of majority rule.



wise acted as a deterrent to all effort at conscious, intelligent appraisal of the course that economic changes were taking.<sup>28</sup> As a consequence, the victory of industrialism meant the accompanying triumph of Hamiltonianism.

American life was rapidly brought into conformity with the Hamiltonian ideal along two fronts. His vision of an industrial capitalistic society was reflected in the institutions he had been so instrumental in inaugurating and which, as they grew and developed, came more and more to shape the content, the operative goals and the details of men's lives. Hamilton was always confident that a victory in the details of life is, in the long run, a victory over men's minds as well.<sup>29</sup> And since, in his view men are fundamentally egoists for whom success can mean only opportunity for wealth and power, to have arranged the details so as to put a premium on the opportunity to rise in organized hierarchies was to insure success.

Hence the second front on which Hamiltonianism triumphed: The democratic ideals themselves were transformed so as to make them serviceable as justifications of Hamiltonian institutions. Within a brief thirty years the Jeffersonian ideal of equality to develop individuality was transformed into Jacksonian democracy's ideal of equality of opportunity for ambition, equality of opportunity to climb the ladder of wealth and power. Henceforth the democratic creed in America was to be conditioned and confined by the cult of success in an industrial capitalist order. "Equality of opportunity" was, and is, the magic formula by which the rhetoric of democracy is made to serve the substance of the aristocratic ideal.<sup>30</sup> In periodic "revolts of the American conscience" men were occasionally to challenge the practices of

<sup>28</sup> See the comments of Morris R. Cohen in Felix S. Cohen, (ed.), *American Thought; A Critical Sketch* (Glencoe, Ill.: The Free Press, 1954), pp. 37 ff.

<sup>29</sup> This view is implicit in the emphasis Hamilton placed on habit in human behavior and in the view expressed in *Federalist No. 6* that "momentary passions, and immediate interests, have a more active and imperious control over human conduct than general or remote considerations of policy, utility, or justice."

<sup>30</sup> "Equality of opportunity" has not been generally recognized as, at bottom, a conservative doctrine. Clinton Rossiter, however, sees it as one of the major themes of a meaningful modern conservatism. See Rossiter, *op. cit.*, pp. 196, 255-256.

industrial aristocracy, but generally even these revolts were aimed at rectifying inequalities in economic opportunity. Only occasionally did an Emerson point out that, judged by the Jeffersonian ideal, increasing numbers of men "succeeded" but in their very success failed to reach "the mark of a good and equal life." And while many listened, few caught the point of his insistence that typical Americans came more and more, "like one class of forest animals, . . . [to] have nothing but a prehensile tail; climb they must, or crawl."<sup>31</sup>

Where democracy was viewed as a racetrack, the equal start and the code of sportsmanship passed for social ethics, and few could pause in the race to hear Santayana's complaint that "in a country where all men are free, every man finds that what most matters has been settled for him beforehand."<sup>32</sup>

As a consequence, it was to Hamilton's and not to Jefferson's vision of America that Matthew Arnold referred when he posed the fundamental problem for England at the turn of the last century: "to use a short and significant modern expression which every one understands, what influence may help us to prevent the English people from becoming, with the growth of democracy, *Americanized*?"<sup>33</sup>

The irony of American history seems to me to lie in this process by which Hamiltonian individualism achieved victories over Jeffersonian individualism by use of the Jeffersonian rhetoric.

The irony is compounded by the assertion of many recent intellectual conservatives that the conformity of American life is the inevitable outcome of the logic of the *democratic* concepts of equality and popular sovereignty.<sup>34</sup> If Hamilton can hear from wherever he is, he looks, I am sure, quite like the cat who swallowed the canary.

<sup>31</sup> The quotation is from the essay on "Politics." *The Essays of Ralph Waldo Emerson* (New York: The Heritage Press, n.d.), p. 235.

<sup>32</sup> Quoted by Alan Valentine, *The Age of Conformity* (Chicago: Henry Regnery Company, 1954), p. 62.

<sup>33</sup> Arnold, *op. cit.*, p. 23. Italics in original.

<sup>34</sup> See, for example, Valentine, *op. cit.*, *passim*.



## *On the Abuses of Power in Democratic States*

IF WE TAKE a somewhat less than optimistic view of human nature, it is not difficult to understand why abuses of power are always to be found in democratic states. The mere legitimacy of a state in theory is no guarantee that it will not abuse its power in practice. Every community, even one that is democratic in form, dwells always in the shadow of injustice; for men who are free are still men, and if they do not act always as beasts it is still true that they do not act always as gods. In the pursuit of their own interests, or of what they conceive their interests to be, men who are free to choose—even within predetermined limits—will sometimes choose to act not merely wrongly but oppressively: they may endeavor to attain some ends the achievement of which would degrade or harass a portion of the community; in the pursuit of the right ends they may sometimes resort to arbitrary means. And in point of fact—from the standpoint of democratic principles as well as of the subject harmed—this is what men and governments who call themselves democratic have all too frequently done and still do. They have abused and continue to abuse their powers, that is, to infringe upon the rights and liberties essential to and (in a real if not a formal sense) assured by, the principles of their political system.

Now by essential rights and liberties I mean here no more than those rights and liberties that emerge out of, and are strictly correlative to, the principle of consent, and derivatively to the principle of majority rule which is the indispensable mechanism for the elicitation of that consent. I leave open here the question as to whether, in the absence of a notion of rights derived from a source outside the state, there can be a genuine or ultimate basis for opposing offensive prescripts of the positive law, for

affirming a claim to rights in the face of a political system that flaunts them. Clearly, both secular and theological adherents of natural law or natural right doctrines would insist on a negative reply to this question. But if consent is the sufficient and legitimate basis of democratic government, then those rights at least are fundamental which derive from and are intrinsically related to that principle of consent. A government which fails to respect those minimum rights, accordingly, undermines the very principles on which it presumes to rest.

What, then, are the essential rights and liberties in a democracy? Primarily, they are of two sorts: (1) the rights appropriate to the maintenance of equality, in particular, the equalities of citizenship and of opportunity; and (2) the rights necessary to the maintenance of democracy itself, in particular, the liberties of speech and of political association. Through the latter, democracy maintains—and can alone maintain—that free play of conflicting opinions which makes possible the constitutional responsibility of the rulers to the ruled, which makes government responsive to the governed. Through the former, democracy assures not (as some critics of democracy have absurdly held) the literal equality of all men in all things—*viz.*, in intelligence, talent, achievement, status, power, and the like—but that equal access to public opportunity which enables a man to discover and to prove his true worth, and that political equality which counts each man in his suffrage and his citizenship as one and no more than one. This does not, of course, imply the right of a person to become a member of a private club or of a church society, or to become (say) a teacher in a denominational institution; for such membership is not central to his life *as a citizen*. But it does imply his right not to be barred on irrelevant grounds from an occupation or profession, for these are essential to his opportunities—even, perhaps, to his survival—as a citizen of the democratic state. For this and allied reasons, one at least among the necessary corollaries to these rights merits especial mention: the right to one's safety and security in his own person.

It is true that oligarchical forms of state may, on occasion, recognize one or more of these rights. A Napoleon who holds

out to every bearer of a knapsack the possibility that he may someday also carry a marshal's baton immeasurably extends the channels of opportunity, but so long as there is a Napoleon there is no real equality of opportunity or of citizenship—not even if all are equal but one. An enlightened absolutism may, as the age of Voltaire attests, tolerate freedom of speech to a remarkable degree, but not with it that right of political association which by its activity invites the citizens constitutionally to displace the ruling power. The safety and security of one's person may be, if not assured, at least generally unassaulted, by paternalistic monarchs or by self-designated emissaries of the Lord;<sup>1</sup> but that security is always contingent on one's submission to the perpetual yoke of guardianship; and there is no security for those who would exercise as well the right to criticize and to remove the government. Only in democratic states are *all* these rights, in principle at least, constitutionally guaranteed. Only in democratic states is one free both to applaud and to attack the government in power, to join with like-minded men in the effort to make or to unmake that government, to strive himself (if he so desires) to become a part of the ruling power, and not at any time to jeopardize his life or his safety by virtue of his participation in these activities.

Thus, the things that are necessary in a democratic system are but matters of expediency in a non-democratic system. Whether, for example, the Soviet Union leaves its writers free to say what they will or requires them to conform to a prescribed pattern of production, is a matter of programmatic choice and not a principle that implicates the system of government itself. But in a democratic state to impair the right of free expression, or of any other essential right, is to subvert the fundamental principles of the political order. It is to nullify the primary rules of the game. Such action, whether undertaken by private groups or by government, constitutes nothing less than an abuse of power.

In these terms, the history of democratic states—not least of the American democracy—reveals a considerable disparity between

<sup>1</sup> I except here, of course, those emissaries who create or who inherit and maintain the modern totalitarian state, which lives on terror.

the principles that men verbally espouse and the practices by which they actually live. This is not, it must be emphasized, the easy and all too superficial distinction that men often make between theory and practice; for, at the empirical level at least, there is no such distinction. If a principle is valid in theory, it must be valid in practice; if it does not work in practice, there is something wrong with the theory, or the theory actually involved is different from the theory that is thought to be involved. It is this latter alternative that applies here. The disparity between democratic utterance and undemocratic behavior is not simply that between reference to an ultimate and unattainable ideal, on the one hand, and action within a political system that—even at best—is always but an imperfect approximation of its acknowledged prototype, on the other. It is this in part, to be sure, but it is also more. It is also a disparity that emerges when there is a true conflict of principles—a conflict between, say, the idea of equality and that of inequality, between the rights associated with (because integral to) a democratic state and the denial of those rights as matters of principle in oligarchic systems of government. And this disparity manifests itself most strikingly—and for the preservation of democracy most destructively—in the fact that within democratic communities there are those who, whether acting through legal sanctions by virtue of the governments they control or through non-legal penalties by virtue of the social and economic power they command, impose punishments which impair, in extreme cases even make a mockery of, those rights of their fellow-men that have been here termed fundamental. By their effective—sometimes malevolent, sometimes unreflective—disregard of democratic principles, they have abused the power entrusted to them.

Now the distinction that is urged here between the abuse of power through the laws (or through the acts of governmental authorities under the laws) and the despotism of individuals or of groups acting outside the government, is not one that the literature of tyrannical power has generally viewed as crucial. There is a clear and plausible reason for this. If the oppressive acts of non-legal powers violate the law, the government can suppress

them. If they are acts that have the implied or explicit sanction of the government, that government can be held to share or to assume responsibility for such action. In both cases, therefore, the problem of the abuse of power appears to revert to the legally established political power; and it is here, accordingly, that writers on this subject have most commonly focused their attention.

There are, however, at least two difficulties which attend this lack of concern for the oppressive actions of non-governmental powers. In the first place, it overlooks the fact that in a free society the government lets many things alone, and in some instances it is constitutionally required to do so; hence individuals and groups are free to conduct their affairs in ways to which the government is formally if not actually indifferent. Thus, employers are often free to engage in discriminatory employment practices, non-denominational universities to establish (or in practice to apply) discriminatory entrance requirements, private organizations arbitrarily to exclude disliked individuals or groups from the use of their halls for public meetings, and so on. This may be called the problem of abusive power within the interstices of the law.

In the second place, it forgets or unduly minimizes the fact that the government may under certain circumstances be unable to control the oppressive acts of individuals and groups even when these run counter to the law. The history of vigilante movements in America, of lynchings and race riots, of the many and varied forms of discrimination that reflect deep-seated prejudices, and the like, suggests that even where the government may seek to enforce the law—which in the instances cited it does not always do—the climate of opinion may be such as to foredoom that effort. In some cases, indeed, the temper of public opinion or of public sentiment may actually sustain, where it does not initially compel, the abusive acts of governments themselves. It is public opinion, after all, that determines (through the electoral process) who shall rule, and to what ends. And if legal action takes the form of oppressive legislation, or of the arbitrary and capricious bidding of legal authorities, the public which selects or which refuses to remove those authorities, and which thus signifies approval of

the abusive policies established by its chosen officials, cannot escape responsibility. Democratic governments do not move in a vacuum. They respond, as they should respond, to the changing tides of public opinion. Consequently, to subject the ruler to the will of the electorate is no sure protection against oppression unless that electorate is itself determined not to tolerate abusive rule. Where the electorate through its passivity or ardent espousal sustains political infractions of the basic code, it identifies itself with the powers of despotism.

There is another sense in which the oppression of public sentiment—or, as it is often called, the tyranny of public opinion—is sometimes understood. This is that subtle yet pervasive domination over the mind which produces not a man but an intellectual chattel who bears the semblance of a man. It is that spirit of conformity which operates less to punish men for disapproved acts or for the expression of ideas displeasing to the prevailing currents of opinion (though it does this too), than to prevent men by a sapping of the intellect and of the will from ever entertaining or acting upon such ideas. The will of men, said Tocqueville, is not shattered, but it is softened and bent; he is seldom forced to act, but he is constantly restrained from acting; he is neither destroyed nor driven to resistance, but he is led by repeated repressions to surrender the exercise of his own will; and in the end he, and others like him, become little more than a stupefied and enervated people.<sup>2</sup> Among such a people there is no real need to punish divergences from orthodoxy: for on the one hand the enslavement of the mind by opinion—by habituation in doing and thinking what is popularly held to be “right”—has already tended to preclude dissenting ideas; and on the other hand the subjection of the will by a sense of futility—by that despondency of mind that Bryce has called “the fatalism of the multitude,”<sup>3</sup> which disposes men to acquiesce in or to submit to the dominant

<sup>2</sup> Alexis de Tocqueville, *Democracy in America* (Bradley ed., Vintage Books, 1954), II, 337-338 and *passim*. See further the comment on this point by James Bryce, *Studies in History and Jurisprudence* (New York: Oxford University Press, 1901), pp. 338-339.

<sup>3</sup> James Bryce, *The American Commonwealth* (2d ed., London: Macmillan, 1891), II, Chap. 84.



sentiment—renders deviant action improbable. Where, despite this, unwelcome doctrines and actions do nonetheless break through, social disapprobation is likely to repress them by exacting penalties that are often no less, and sometimes more, effective than legal ones.

Now in a democracy, where men are regarded as equals, the tyranny of public sentiment, so understood, may take a special form. Unanimity being impossible, the opinion of the majority rather than of the minority must prevail—not because the majority is necessarily right but because the alternative, the rule of the minority which renders the few superior to the many, is insufferable. But if the majority is to prevail with an easy conscience, it can do so, generally, only if it believes, or convinces itself that it believes, that it is right. Hence, the customary insistence that men should obey the ruling power is defended not simply on the ground that such obedience is necessary for the maintenance of the social order (which is perhaps all that should be claimed), but that it is necessary for men to obey because that ruling power is right. The individual who dissents from the judgment of the majority, who refuses to adhere to the opinions of the ruling power, thereby appears to place himself in an anomalous position. As a democrat, he argues that all men are equal. But as a dissenter, he seems to insist that he knows better than the majority what is right. He implies, or seems to imply, that he (or his judgment) is better than that majority, thereby seeming to affirm the very principle of inequality that he, along with the majority, had previously repudiated. His obstinacy no less than his apparent inconsistency serve only to arouse the animosity of those who are opposed to him and who command the support of the majority. Paradoxically, then, the principle of equality—which is here improperly extended to include moral and intellectual uniformity as well as political equality—enters to reinforce that terrible craving for certainty which all too often results in the effort to suppress disconcerting differences. And it is this intolerance—of heterodoxy in belief and of non-conformity in behavior—that constitutes (for some men) the tyranny of opinion and, derivatively, of majority rule.

We have, therefore, in a democracy, not merely to be concerned with the oppressive acts of governments, but to regard as well the arbitrary and abusive practices of individuals and groups who exercise power through their control of private organizations, and even (perhaps) of that tyranny of public sentiment which sustains them all.



## *Voegelin and the Positivists: A New Science of Politics?*

### I

EMPIRICISM is the systematic appeal to experience as the means of validating assertions about reality. Positivism is the systematic appeal to that part of experience designated as the "positive facts" of immediate perception, as opposed to abstractions of thought, essences hidden in phenomenal appearances, or ultimate causes, all of which are put aside as metaphysical.<sup>1</sup> Logical positivism shares with the less rigorous tenets of nineteenth century positivism adherence to the doctrine that "propositions of existential import have an exclusively empirical reference"; but is set apart from these earlier varieties of positivism by the view that "this empirical reference can be conclusively shown by logical analysis."<sup>2</sup>

The present popular strength of the positivist's position in social science is not so much in his rejection of metaphysics *per se* as

<sup>1</sup> Cf. Guido deRuggiero, "Positivism," in *The Encyclopedia of the Social Sciences*, XII, 260-65; and Charles Frankel, "Positivism," *A History of Philosophical Systems*, Vergilius Ferm (ed.), (New York: Philosophical Library, 1950), pp. 329-39.

<sup>2</sup> The quotations are from J. R. Weinberg, *An Examination of Logical Positivism* (London: K. Paul, Trench, Trubner & Co., 1936), p. 1. See also Gustav Bergmann, *The Metaphysics of Logical Positivism* (New York: Longmans, Green, 1954), Chap. 1. Although Ernst Mach was an important precursor, logical positivism as a school is generally dated from the 1920's when Moritz Schlick of the University of Vienna founded the Vienna Circle. It included Ludwig Wittgenstein, Rudolph Carnap and others. Prominently grouped under the logical positivist label have been Otto Neurath, A. J. Ayer, Hans Reichenbach, Carl G. Hempel, and Richard von Mises. Charles Morris, of the University of Chicago, should also be noted for his attempts to bridge positivism and pragmatism. Bertrand Russell would be very close to this group although they would generally reject his epistemological realism. Russell's and Whitehead's *Principia Mathematica* and Wittgenstein's *Tractatus Logico-Philosophicus* are basic texts for logical positivists.

in the appeal of his "scientific objectivity." The positivist does not, of course, claim possession of "objective truth" in the sense of absolute or supernatural truth; but he does claim to have achieved a method of inquiry which can minimize subjective illusions, preconceptions, and falsifications, and can provide a criterion for the "intersubjective" validation of observations. This negative objectivity is so clearly identified with the scientific method and its requirements of certainty, measurability, and comparability of data that "positivistic," "empirical," and "scientific" are sometimes treated as if they were synonyms. In any case, the positivist's claim to be more scientific than his critics carries great weight in a discipline such as political science which, by its very name, is obligated to be scientific. To be sure, there have been challenges to positivistically-minded political scientists who have naively exaggerated their own freedom from subjective value assumptions,<sup>3</sup> but rare has been the challenge to the proposition that empirical verification of data about politics is more scientific than non-empirical verification.

One such rare challenge has occurred in the work of Eric Voegelin. As is so often the case, Voegelin's readership has probably been among those least in need of his insights. In exorcising the spirit of positivism from contemporary science he has managed to jettison almost everything that most people would call scientific. He then chooses to call what is left the "new science." The resulting confusion is unfortunate for both Voegelin and his antagonists, despite the fact that Voegelin succeeds in pushing the burden of proof onto the latter. The strength of his position is not that he is invulnerable, but that he is invulnerable to those who refuse to meet him on his own ground. And the chief objects of his attack are those who by occupation and inclination are unprepared to see that he has any ground. Possibly the paucity of criticism of Voegelin confirms his confident assertion that:

By the time the would-be critic has penetrated the meaning of

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<sup>3</sup> Cf., for example, Thomas I. Cook, "The Prospects of Political Science," *The Journal of Politics*, XVII (1955), 265-74.

metaphysics with sufficient thoroughness to make his criticism weighty, he will have become a metaphysician himself. The attack on metaphysics can be undertaken with a good conscience only from the safe distance of imperfect knowledge.<sup>4</sup>

What is the nature of Voegelin's indictment of a positivistic science of politics and society? Its core may be summarized in four points:<sup>5</sup>

1. Science is improperly conceived if it is conceived as a value-free method of inquiry. The character of the theoretical principles with which one grasps the object of inquiry justifies or fails to justify the designation "scientific." These principles may be applied or misapplied to the external world but the method is not the criterion of science. If "the use of a method is made the criterion of science, then the meaning of science as a truthful account of the structure of reality . . . is lost."<sup>6</sup> Since these theoretical principles inevitably involve values, a value-free science, the treatment of all "facts" as equal, has in practice never been accomplished, since major research invariably feeds upon a civilization with theoretical traditions. But, the "damage is rather done through interpretation." Faulty, inarticulate, or confused principles obscure recognition of "essential parts" of research materials. Uncritical public or private opinion, *doxa* in the Platonic sense, is made to substitute for theory in order to avoid facing the problems of epistemology and ontology. ". . . [T]his situation was created through the positivistic conceit that only propositions concerning facts of the phenomenal world were 'objective,' while judgments concerning the right order of soul and society were 'subjective'."<sup>7</sup>

2. The theoretical consequence of attachment to a positivistic

<sup>4</sup> *The New Science of Politics* (Chicago: University of Chicago Press, 1952), p. 20.

<sup>5</sup> It is not the purpose of this paper to deal with Voegelin's thought as a whole. His ideas on representation, for example, or his historical delineation of Gnosticism, will not be considered. For a concise and sympathetic analysis see Hans Aufrecht, "A Restatement of Political Theory, A Note on Eric Voegelin's 'New Science of Politics,'" *Western Political Quarterly*, VI (1953), 458-68.

<sup>6</sup> *The New Science of Politics*, p. 5.

<sup>7</sup> *Ibid.*, p. 11.

science is to replace faith in God with faith in knowledge (*gnosis*), which, in effect, makes knowledge a god, and its worship a religion, "Gnosticism." The scientific bias of the modern era has "re-divinized" the temporal realm after Christianity in the Middle Ages had "de-divinized" it. Divinity has been made immanent rather than transcendent. This "immanentization" is particularly striking in the fascination of moderns for history and, in particular, the meaning of history. But this is a fallacious concern:

... an immanentist hypostatis of the eschaton ... is a theoretical fallacy ... The course of history as a whole is no object of experience; history has no *eidos*, because the course of history extends into the unknown future. The meaning of history, thus, is an illusion; and this illusionary *eidos* is created by treating a symbol of faith as if it were a proposition concerning an object of immanent experience.<sup>8</sup>

3. The practical consequence of attachment to a positivistic science as it applies to the individual is to deny him a transcendent soul, to destroy his personality, and to foster "spiritual eunuchism." If a man is treated as an object of positivistic science, he becomes less than man. As positivistic science has progressed, spirit has been killed. The destructive effects are already so substantial as to "defy repair in any visible future."<sup>9</sup>

4. The practical consequence of attachment to a positivistic science as it applies to society is the breakdown of "spiritual order." Secularization is the second phase of immanentization. Since the existential order of society is dependent upon its spiritual order, "the very success of a Gnostic civilization is the cause of its decline."<sup>10</sup> Western Gnostic societies, whether they are democratic or non-democratic, are presently in a state of "intellectual and emotional paralysis"; but it is "Totalitarianism, defined as

<sup>8</sup> *Ibid.*, p. 120. Voegelin concedes the millennial hopes of early Christianity, but contends that Christianity has since "evolved" from an historical eschatology to a transhistorical eschatology. On this general problem see Reinhold Niebuhr, *Faith and History* (New York: Simon and Schuster, 1949).

<sup>9</sup> "The Origins of Scientism," *Social Research*, XV (1948), 490.

<sup>10</sup> *The New Science of Politics*, p. 131.

the existential rule of Gnostic activists, [which] is the end form of progressive civilization."<sup>11</sup>

## II

Many objections can be raised against Voegelin's thesis: the adequacy of his concept of immanentization; the consistency of denying all meaning to history yet espousing principles of historical order; the tendency to blur objective and subjective categories; the inflation of the concept of Gnosticism to polemical proportions.<sup>12</sup> But our present concerns are methodological and the question which presents itself above all is: after we throw out science as a method, what have we left in the "New Science of Politics" which Voegelin offers?

"By restoration of political science," says Voegelin, "is meant a return to the consciousness of principles."<sup>13</sup> What are these principles? Voegelin speaks of the "classic and Christian science of man" and identifies this with ontology in general and Platonic ontology in particular.

. . . [N]either classic nor Christian ethics and politics contain 'value judgments' but elaborate, empirically and critically, the problems of order which derive from philosophical anthropology as part of a general ontology. Only when ontology as a science was lost, and when consequently ethics and politics could no longer be understood as sciences of the order in which human nature reaches its maximal actualization, was it possible for this realm of knowledge to become suspect as a field of subjective, uncritical opinion.<sup>14</sup>

What Voegelin calls Plato's "anthropological principle," namely,

<sup>11</sup> *Ibid.*, p. 132.

<sup>12</sup> He speaks of Gnosticism as embracing "philosophical illiteracy," "moral insanity," and "ignorance of facts." That western society would fall for Communism is "an impertinent piece of Gnostic propaganda" (*The New Science of Politics*, pp. 178, 176). Since other Gnostics would vigorously oppose this "Gnostic propaganda," it is not at all clear what makes it Gnostic. Likewise, under Voegelin's broad tent of Gnosticism will be found those who think science is value free and those who do not; those who have faith in immanence and those who do not; those who disparage Platonism, and those who do not.

<sup>13</sup> *The New Science of Politics*, p. 2.

<sup>14</sup> *Ibid.*, pp. 11-12.

that in its existential order a political society reflects the characterological order of the individuals in that society, is used as the means whereby the "soul of man" becomes the standard for classifying the empirical variety of social institutions as well as human types.

The practitioner of these principles, Voegelin's philosopher-scientist, comes into sharper focus than do the principles. He is a rare creature, tempered by a special environment, one who has "formed his character into habitual actualization of the dia-noetic and ethical virtues" and who is "capable of imaginative re-enactment of the experiences of which theory is an explication."<sup>15</sup> In short, he is Aristotle's *spoudaios*, the mature man. Heraclitus, Aeschylus, Plato, and St. Paul were, according to Voegelin, such men. St. Augustine and St. Thomas follow, and apparently Hegel in the modern era. But in the twentieth century as in every age they are a small and elite company, unwaveringly serene above the Gnostic *canaille*, possibly savoring their martyrdom. "The situation [of Plato-Socrates and Callicles in the *Gorgias*, writes Voegelin] is fascinating for those among us who find ourselves in the Platonic position and who recognize in the men with whom we associate today the intellectual pimps for power who will connive in our murder tomorrow."<sup>16</sup>

One might, recalling the Sermon on the Mount, expect Voegelin's elitism to be mitigated by his Christianity. But if Nietzsche made Superman the Anti-Christ, Voegelin tends to transform the Christian into Superman:

The more people are drawn or pressured into the Christian orbit, the greater will be the number among them who do not have the spiritual stamina for the heroic adventure of the soul that is Christianity; and the likeliness [*sic*] of a fall from faith will increase when civilizational progress of education, literacy, and intellectual debate will bring the full seriousness of Christianity to the understanding of ever more individuals.<sup>17</sup>

<sup>15</sup> *Ibid.*, p. 64.

<sup>16</sup> "The Philosophy of Existence: Plato's *Gorgias*," *Review of Politics*, XI (1949), 491.

<sup>17</sup> *The New Science of Politics*, p. 123.

Voegelin's conception of the philosopher-scientist embraces also a poetic strain which can be displayed in the tapping of the unconscious. For when a society reaches the advanced stages of Gnostic decadence, the materials for the direct representation of truth are, he claims, no longer provided by the environment and it may be necessary for the philosopher-scientist to plunge into the unconscious and draw "from the depth of the soul itself" the truth which makes all other reality pale into *doxa*.<sup>18</sup>

One can only conclude that Voegelin offers little help in our search for a structured content of the new science. But it would be unfair to expect such help. Where God is wholly transcendent, where history reveals no meanings, where faith is the only reality, a clear-cut catalog of principles is obviously impossible, and Voegelin wisely refrains from attempting such a catalog. In a literal sense, without faith one cannot understand the new science, for without faith it does not exist.

But with or without faith one can understand what the new science is not. We need not here review the full range of Voegelin's critique of "scientism" in order to note that the new science is not available for a systematic inquiry into power relations. The significance of this is apparent. Power relations are often thought to be the heart of politics. Voegelin does not ignore altogether the problem of power; but his attitude toward it is basically negative. There is in his writings a pervasive distaste for the "raw fascination of power" which Voegelin sees exuding from scientism, and there is a dogmatic character to his assertion that if, in the search for principles of social order, "the way should lead us to the notion that social order is motivated by will to power and fear, *we know* that we have lost the essence of the problem somewhere in the course of our inquiry."<sup>19</sup> Beyond this, the mere use of power in any but a "spiritually ordered" society seems to imply for Voegelin lust for power. Thus Max Weber's "ethics of responsibility" as contrasted with his "ethics of ultimate ends" cannot be credited with genuine

<sup>18</sup> Cf. Voegelin's "Plato's Egyptian Myth," *Journal of Politics*, IX (1947), 307-324.

<sup>19</sup> *The New Science of Politics*, p. 6. Emphasis supplied.



ethical standing by Voegelin.<sup>20</sup> Should we agree that the concept of a "spiritually ordered" society is meaningful, we would also no doubt agree that it is rare, and this, therefore, means for Voegelin frequent rejections of historical power, rejections sometimes accomplished with such bravado as to raise overtones of the death wish.

In describing the breakdown of society portrayed in Plato's *Gorgias*, Voegelin finds that beyond the point where communication between the philosopher and the politician is possible the authority of the philosopher supersedes that of the politician. But it is a transhistorical authority, "the judgment of the dead," not without effect but without power. There is a sense in which in his transcendence above existential concerns the philosopher is already "dead" and, being dead to life, can judge life. Plato thus corresponds to the "Sons of Zeus" who are judges in the Homeric myth paraphrased by Voegelin:

The utterly bad souls who suffer eternal punishment seem to be always . . . the souls of men who in their bodily existence were rulers and potentates; for the greatest crimes are always committed by those who have power. If, however, a good soul appears before the judge, it is most likely to be the soul of a man who has been a philosopher and who has refrained in his lifetime from interfering with the affairs of other men.<sup>21</sup>

The significance Voegelin attaches to this myth is most revealing

<sup>20</sup> *Ibid.*, pp. 13-22. Cf. Max Weber, "Politics as a Vocation" in Hans Gerth and C. W. Mills, (eds.), *From Max Weber: Essays in Sociology* (London: Routledge and Kegan Paul, 1948), pp. 77-128.

<sup>21</sup> "Philosophy of Existence: Plato's *Gorgias*," *Review of Politics*, XI (1949), 493-4. In the idea that Plato seized the role of statesman from Callicles by asserting the moral supremacy of his transcendent truth there is some ambivalence. For Voegelin's test of statesmanship turns out to be an historical test. "Plato's claim has proved historically quite sound. The order represented by Callicles has gone down in ignominy." *Ibid.*, p. 492. This seems to be a judgment of history, the history which Voegelin has elsewhere said can give us no meaning. In a sympathetic appraisal of Nietzsche, Voegelin has found in Nietzsche's challenge to the power politics of Bismarck a comparable seizure of authority in the name of an idea, despite Nietzsche's inability to break through to the "light of the Transcendental idea." Cf. "Nietzsche, The Crisis, and the War," *Journal of Politics*, VI (1944), 177-212.

of his inability to grant the moral claim of the politician operating under an "ethics of responsibility" in the Weberian sense.

The Renaissance is seen by Voegelin as another crisis of spiritual decay when the lust for power burgeoned. In a brilliant article on the background of Machiavelli's *Prince*, Voegelin remains unreconciled to power, but generously grants to Machiavelli his due:

... a man like Machiavelli, who theorizes on the basis of his stark experience of power, is a healthy and honest figure, most certainly preferable as a man to the contractualists who try to cover the reality of power under an established order by the moral, or should we say immoral, swindle of consent. . . .

Nevertheless, the experience is traumatic since it is apt to blind a man to the fact that the mystery of power is not the whole of politics for the pertinent reason that lust of power is not all there is to human nature.<sup>22</sup>

Even when dealing with a writer like Machiavelli who, at least in the first twenty-five chapters of the *Prince*, rather scrupulously separates means from ends, Voegelin is able to see power only as an end—an evil end—never as a desirable means to a desirable end.<sup>23</sup>

Thus, when men of power seek more power—and how often is it otherwise?—Voegelin is prone to assert the truth of the soul and let the world descend into hell at will. Yet his rejection of the world is not so complete that he is able to avoid lamenting the hopelessness of the situation. While he states matter of factly that Plato could not prevent the suicide of Athens nor Thomas Aquinas the end of imperial Christianity, he states with feeling that in our age "the insane have succeeded in locking the sane in the asylum . . . the political tentacles of scientistic civilization reach into every nook and corner of industrialized society."

<sup>22</sup> "Machiavelli's *Prince*: Background and Formation," *Review of Politics*, XIII (1951), 147-8.

<sup>23</sup> This viewpoint no doubt contributed to his perceptive study of the *Prince* not as a handbook of power techniques but as the creation of an artful heroic myth: "The evocation of the mythical hero is at the center of Machiavelli's work in the same sense that the evocation of the philosopher king is at the center of Plato's work." *Ibid.*, p. 165.

There are regional variations in the "global asylum." There is some hope; "but hope should not obscure the realistic insight that we who are living today shall never experience freedom of the spirit in society."<sup>24</sup> This is very little hope indeed. But such hopelessness indicates that Voegelin has not yet fully abandoned the world, has not yet completed an escape from history. For hopelessness as well as hope belong only to those who care about history.

Voegelin's hopelessness about contemporary history could, of course, be the result of a perfectly correct understanding of events. We are unable to prove him wrong since it is quite true that historical knowledge gives us no ultimate meaning, only provisional meanings. There is a sense, thus, in which one absorbed by ultimate meaning, as is Voegelin, is beyond criticism. All one can say is that those less consumed by the passion to know the heavenly city and more consumed by the passion to live ably in the world of men may think it helpful to attempt to distinguish political "facts" from political "values" in order to study the "facts." Some of us may think compromise possible, may feel that the "truth of the soul" is precious and the mechanization of man a threat, yet still hope that empirical study of man can be utilized without necessarily destroying the spirit of man. We would find it simpler to say that science is dependent upon ontology rather than to say with Voegelin that science is ontology.

### III

Voegelin's assault has impressive erudition, force of conviction, and a boldness of sweep; but in transforming science into a transcendent ontology, he leaves behind too few fragments of temporal experience to nurture any empirical science, positivistic or otherwise. We can well ask if empirical social science is as dangerous or sterile as he believes, although we should not be afraid to face the empirical possibility that the answer might be yes. Method-

<sup>24</sup> "The Origins of Scientism," *op. cit.*, p. 494. Voegelin is markedly more hopeful in the preface to the first volume of his forthcoming six volume study of Western thought. Cf. *Order and History* (Baton Rouge: Louisiana State University Press, 1956), I (*Israel and Revelation*), xii-xiii.

ologically, this is presumably not the only alternative. It is conceivable that one might supplement Voegelin's criticism of crude empiricism by a more refined and more comprehensive empiricism. Mediation may in any case be more fruitful than a war of extermination. Rather than cease the quest for objectivity, as apparently Voegelin would have us do, or eliminate the subjective element, as the positivists would have us strive to do, can we not fruitfully attempt a *modus operandi* between "objective" data and "subjective" data?

The difference between "objective" and "subjective" propositions is, after all, a matter of degree. In the former the particular personality of the author, the supra-rational or infra-rational components of his character, participates little. In the latter these characteristics participate much. Paul Tillich, following Max Scheler, has developed the valuable distinction between "controlling knowledge" and "receiving knowledge." To know, says Tillich, is to join in union the knower, the subject, and that which is known, the object. In "grasping" the object, the subject adapts it to himself; but also adapts himself to the object. The paradox of this process is that it is union through separation. Some detachment is necessary in all cognitive acts. To know, one must look, and to look one must be "at a distance."<sup>25</sup> "Controlling knowledge" emphasizes detachment. It tries to make the object into a wholly conditioned, calculable "thing," to deprive it of any subjective quality. "Receiving knowledge" emphasizes union. While its content may be no less empirical, it involves the emotional element and identification with the object to the extent that a clear means-ends relationship between subject and object is impossible. The result is less certainty than with controlling knowledge, but greater understanding, i.e., knowledge derived from "standing under" the object itself. Controlling knowledge, asserts Tillich, is least effective in the study of man:

While the nature of metals admits of an overwhelming amount of objectifying knowledge and technical use, the nature of man does not. Man resists objectification, and if his resistance to it is broken,

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<sup>25</sup> Paul Tillich, *Systematic Theology* (Chicago: University of Chicago Press, 1951), I, 94-5.

man himself is broken . . . Without union there is no cognitive approach to man.<sup>28</sup>

That political science is a branch of the study of man few will deny. The relevance of Tillich's point must therefore be faced by the political scientist.

It will certainly be argued that observable, objective, controlling knowledge does in fact show man to be determined. An "objective" study of class status, income, age, parentage, peer group alignments, and region will enable the political scientists to predict one's voting habits with considerable reliability, especially in the aggregate. The determining effects of such influences is the nature of man, it will be said. In what sense can this be said to "break" him? What is it that is being "broken"? At this point the crucial difference between the positivistic and anti-positivistic approaches becomes clear. It is their differing views of the nature of man.

Voegelin, Tillich, and religionists generally, regard man as essentially spiritual, with indeterminate capacities, including an indeterminate capacity to transcend in some way the forces of nature which usually control him. The positivist either assumes that man is determined or asserts that man can be studied as if he were determined, which, in effect, amounts to the same thing. Voegelin, and Tillich, and those influenced by the Platonic tradition in particular, also assume that knowledge and values are so intimately connected that defective values produce a defective methodology, which produces defective knowledge, which produces more defective values. Their methodology for the study of man must, therefore, include not only the *a priori* postulates which the positivists would also accept, such as the validity of logic and the reliability of sense perceptions, but it must also include an *a priori* assumption about the nature of man which can serve as a ground of inquiry.

The positivists argue that they need no *a priori* view of man as such. They operate in the realm of fact, factual hypothesis, and causal theory. They are not interested in judging "man's

<sup>28</sup> *Ibid.*, p. 98. For a theological discussion of the problems raised by viewing man as an object cf. Martin Buber, *I and Thou*, R. G. Smith, trans. (Edinburgh: T. and T. Clark, 1937).

nature" or "man's essence" or in judging the worth of his values. They are, of course, interested in studying the role of values in society. Indeed, the finest work in political methodology written from a strictly positivistic viewpoint, Lasswell and Kaplan's *Power and Society*,<sup>27</sup> is in large part concerned with the "welfare values" and the "deference values" operative in the political arena. But the assumption throughout is that these values can be studied "objectively," i. e., without commitment on the part of the student.

As children of a scientific age, the value of this attempt at valuelessness is clear to most of us. But yet, the ambiguity inherent in the objective study of subjective values is never really overcome by the positivists. In good positivist fashion, for example, Lasswell and Kaplan put "value" and "valuation" among the undefined terms in their political lexicon, thus seeming to acknowledge the radically subjective and relative character of values. But in order to deal with the social and political role of values, the terms in practice must be defined and, if they are to be observable, externalized as much as possible. Hence, Lasswell and Kaplan speak of values as "goal events" and state that,

The characterization of a value as what is desired . . . is not to be construed as restricting valuation to the phases of impulse and subjectivity. On the contrary, by valuation we mean the whole act. The phase of expression is of particular importance; intentions alone are significant only in terms of the patterns of completed action which they determine. The completed action need not, however, be successful. . . .<sup>28</sup>

The phase of expression is particularly important apparently for the principal reason that social scientists can listen to expressions and on the basis of them predict how the speaker will act to bring about goal events.<sup>29</sup> But by what right does the listener-

<sup>27</sup> Harold D. Lasswell and Abraham Kaplan, *Power and Society: A Framework for Political Inquiry* (New Haven: Yale University Press, 1950), cf. pp. x, xii-xiv.

<sup>28</sup> *Ibid.*, p. 16, n. 1.

<sup>29</sup> *Ibid.*, pp. 17-18. The author's offer as an example of observable value change the decline in the use of the "demand symbol" "world revolution" by the Communist Party of the Soviet Union between 1918 and 1944. The change in symbols can be observed. Can the parallel change in values be observed in the same way?

observer assume that the expressive phase is indicative of the subjective phase? How does an "objective" observer know what it is that is in truth valued by the observed? With what standards does he register the worth which any phenomena hold for another individual? Despite the positivist's heroic attempt to do so, a value cannot be viewed as an object of direct sensory perception. Unless an observer is predisposed to participate in a subjective way in the general realm of value involved, he will not be able to recognize a value when he is confronted with one. In short, social, political, and personal values cannot be known as facts until they are known as values. The irony is that the positivists are undermined by their own perspicacity. In showing that the *justification* of values is beyond science, beyond, even, rationality, they are impossibly hard-pressed to show that the *comprehension* of values is within science and rationality.<sup>30</sup>

If, then, values cannot be objectively comprehended, what are the consequences of trying to do so? Two consequences may be mentioned. First, certain values tend to be inadvertently stimulated by the very process of inquiry. For example, "objectivity" itself, as a prime desideratum in one's approach to phenomena, becomes a value. Socially the scientist is revered because of his "objectivity." "Objectivity" becomes a positive quality to be sought by the sophisticated non-scientist. That such popular attitudes have good as well as bad effects goes without saying. The point is that the supposedly value-free methodology has itself spawned a value. Another example might be the emphasis on "power" characteristic of American political science. Methodologically attractive because of its almost physical and therefore "objective" connotations, the term "power" is used to designate socially significant phenomena. But some phenomena may become socially significant merely by being studied, and having become significant, they become for some people desirable as well. In this case power-the-fact becomes power-the-value. One should not exaggerate

<sup>30</sup> Concern for the difficulties of value measurement combined with unremitting attachment to the methods of natural science is well displayed by Herbert Simon in "Notes on the Observation and Measurement of Political Power," *Journal of Politics*, XV (1953), 500-16.



this particular example of the tendency to transform "facts" into values, but its relevance is demonstrated in the way the manipulative aspects of contemporary social science sometimes become ends in themselves. Voegelin's attacks on "scientism" have validity insofar as they bear upon these tendencies.

The second consequence of the attempt to study political and social values objectively is in many ways more fundamental than the first. In contrast to the first consequence, in which the method stimulates certain social values, it may now be noted how values inherent in the method may distort the subject matter to which it is applied. The subject matter in this case is man in his political relationships and the values which influence these relationships. In order to study even "political man" objectively, it is, we have seen, necessary to make certain *a priori* assumptions concerning his nature. Sometimes these assumptions are made explicit, as in an article by James G. March: "Assuming that the behavior laws relating individual activity (neural, glandular, muscular, etc.) with the specified environment are known, it is possible to define the path of behavior that will be observed in the individual organism."<sup>31</sup> Man, in this view, is a determined or determinable biological organism. The picture may not be an altogether satisfactory one, even to the positivist, but his methodological assumptions do not permit him to give depth and color to the picture with the help of intuition, introspection, revelation, leaps of imagination, or any other possible basis of knowledge not ultimately reduceable to direct sensory perception. The *a priori* character of his assumption about man as a determined organism may be admitted. The *a priori* character of the hope that further data will show man to be determined is harder to admit. To date the "further data" has succeeded primarily in raising more questions about this hope. After a sophisticated and scrupulous discussion of the problems of symbolism and measurement in the "empirical study of the influence process," complete with algebraic equations, March ends the aforementioned article with a full page of questions such as "Under what conditions will measurement

<sup>31</sup> "An introduction to the Theory and Measurement of Influence," *American Political Science Review*, XLIX (1955), 431.

necessarily result in non-unique specification of the state of the organism? What are the predictive consequences of such non-uniqueness?"<sup>32</sup> If, as March believes, we must have the answers to these questions before influence theory can proceed, and if we are confined to positivistically testable hypotheses in gaining the answers, we may still be waiting when the earth turns cold.

On the other hand, the success of the method may be at the expense of transforming the subject-matter to fit the method. Voegelin has at least confronted us unequivocally with this problem. So also have a number of contemporary theologians, more effectively, perhaps, than anyone else. Their objection is not that man cannot be viewed as a determinable object of controlling knowledge, for he can. Their complaint is that this partial and hypothetical truth about existential man will, inadvertently, simply by the easy acceptance of its autonomy, be elevated to a self-confirming whole truth about essential man. Responding as they do in all societies, men will tend to conform to the prevailing societal conception of themselves. Tillich believes that this process has already gone quite far: "Man actually has become what controlling knowledge considers him to be, a thing among things, a cog in the dominating machine of production and consumption, a dehumanized object of tyranny or a normalized object of public communications. Cognitive dehumanization has produced actual dehumanization."<sup>33</sup> The voter, thus, may become ever more predictable as the techniques for predicting voting behavior become ever more subtle and "objective." The political scientist may believe that he is revealing determining factors which have always been present when in actuality he may be producing new determining factors. The irony is that the course of objective inquiry is to be vindicated throughout on the grounds that it is independent of, and uncommitted to, the subject matter—any subject matter.

<sup>32</sup> *Ibid.*, p. 451.

<sup>33</sup> *Systematic Theology*, p. 99.

## IV

*We seem to be faced with the frustrating choice between knowledge which is certain but insignificant and knowledge which is significant but uncertain.* Moreover there seems to be danger as well as frustration in the appeals of the Scylla of depersonalized objectivity and the Charybdis of chaotic subjectivism. Is there a way out? No facile answer will suffice, but it is clear that the full range of experiential content must be injected into empiricism in the social sciences if it is not to become a series of exercises in the irrelevant and/or a prisoner of the inarticulate values of positivistic method. This does not mean the abandonment of the very process of scientific validation disparaged by Voegelin. But neither does it mean the avoidance of subjective knowledge identified as such. To steer the hard course between depersonalization and immeasurability requires both talent and theoretical maturity. Along with the rigorous attention to the measurable and intractable "fact" characteristic of positivism must come the observer's acceptance of himself as a human being, his acceptance of the observed as a human being, and his acceptance of the ultimate mystery which surrounds all being.

The first mentioned acceptance is the easiest. Some of our best political scientists have been those who have refused to discard their own subjective reflections in emulation of the natural scientists. Carl J. Friedrich once observed: "Is not the social scientist lucky in that he is himself one of the atoms, so that the ways of atoms are familiar to him? . . . it is thoughtless, indeed, to deprive ourselves in the social sciences of the invaluable aid . . . mutual human understanding can give us, merely because the natural sciences have had to evolve techniques for getting along without it."<sup>24</sup> The acceptance of others as persons rather than merely as objects of study is somewhat more difficult. This is difficult if not impossible in dealing with election statistics or with punch card data after it has gone through the sorting machines. But in direct observation, interviews (punch card data this side

<sup>24</sup> *Constitutional Government and Democracy*, (First Ed., Boston: Ginn and Co., 1946), p. 574.

of the sorting machines), and even to some degree, in dealing with historical material, the obligation to transform the object into a subject, to "get inside" to some degree, seems inescapable. Especially is this the case where the values and motivations of political participants are involved.

Most difficult of all is the acceptance of ultimate mystery. Science is so much a cause and an effect of the progressive temper of the modern era, the two are hard to separate. Social scientists would be the first to deny that they are working to bring the Kingdom of God to earth or even that they are interested as scientists in the good life. But the assumption that science and truth are cumulative remains, as does the assumption that this cumulation works for the better. This is faith in intellectual progress and any faith in progress rests in some degree upon a denial of ultimate mystery. In this case science acts as the key to at least one part of life's riddle, a key tightly grasped by modern man. Such a faith has methodological consequences. It tends to make what is done under the aegis of science self-justifying. This, in turn, encourages the study of materials felt to be amenable to scientific treatment. And finally, because human beings in political and social relationships are important, it encourages, as we have seen, ontological assumptions about human nature which make it possible to study these beings and their relationships in a scientific-objective fashion. To assume for the sake of a methodology that the human object is a determined and controllable organism is to deny the ultimate mystery implicit in the view that the human organism may be moved by indeterminate forces. The former view enables initial investigations to be more objective and therefore easier. It may, indeed, clarify reality at one level. But if the investigator is consistent in his attachment to purely objective and measurable data, he may be carried from one tortuous methodological refinement to another with meaning draining away at every turn. The deeper levels of reality which may be approached only subjectively may be obscured if not missed altogether. Thus the empiricist who denies ultimate mystery may only succeed in generating penultimate mystery.

Opposition to metaphysics is sometimes more dogmatic than its

defense. It is unfortunate that in political science one of the few to criticize the dogmatism of positivistic social science should be himself so dogmatic and unsatisfying in the alternative he offers. But if we can look beyond Voegelin's polemics and obscurantism to the challenge he raises against the ontological assumptions of positivistic methodology, we may be helped to realize that every methodology rests upon ontological assumptions. This realization, in turn, may encourage a perceptual balance between the objective and subjective dimensions of man the political animal. Such an achievement is essential for the constructive reorientation of our sorely divided craft.

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## *Newtonianism and the Constitution*

POLITICAL scientists and political philosophers frequently adopt concepts, models, and theories from the physical and natural sciences. Broadly speaking, eighteenth century political philosophers borrowed analogues from mechanics and physics, nineteenth century philosophers from organismic theories of biology, and it has recently been suggested that the most instructive model for twentieth century social science may prove to be cybernetics.<sup>1</sup> This brief research note suggests that one aspect of this generalization may be in need of reconsideration. The issue that is raised here is whether the philosophy of the Constitution of the United States was influenced by or resembled the Newtonian conception of the universe.

### I

Newtonianism refers to the application of Sir Isaac Newton's mathematical interpretation of the physical world to the non-physical world. It implies an ordered, predictable, mechanical, law-governed political world resembling the way in which the planets follow ordered, prescribed, and predictable paths. Although Newton may not have subscribed to the broader uses of his philosophy,<sup>2</sup> many eighteenth century European political philosophers are fre-

<sup>1</sup> Karl W. Deutsch, "Mechanism, Organism, and Society: Some Models in Natural and Social Science," *Philosophy of Science*, XVIII (1951), 232-41; "Mechanism, Teleology, and Mind," *Philosophy and Phenomenological Research*, XII (1951), 187-94; "Communications Theory and Social Science," *American Journal of Orthopsychiatry*, XXII (1952), 470.

<sup>2</sup> Edwin A. Burt, *The Metaphysical Foundations of Modern Science* (Rev. ed., Garden City: Doubleday and Co., 1954), pp. 212-213; G. S. Brett, "Newton's Place in the History of Religious Thought," in *Sir Isaac Newton, 1727-1927* (Baltimore: The Williams and Wilkins Co., 1928), p. 263.

quently credited with having employed mechanical metaphors, compared natural laws and natural rights to the laws of mechanics, and generally anticipated a science of politics similar to a science of physics.<sup>3</sup>

Was there a similar borrowing from science among eighteenth century American political writers? More particularly, was there a resemblance between the philosophy of the *Principia* and the philosophy of the Constitution of the United States? Woodrow Wilson appears to have been the first to draw attention to the Newtonianism of the American Constitution.

The government of the United States was constructed upon the Whig theory of political dynamics, which was a sort of unconscious copy of the Newtonian theory of the universe. In our own day, whenever we discuss the structure or development of any thing, whether in nature or in society, we consciously or unconsciously follow Mr. Darwin; but before Mr. Darwin, they followed Newton. . . .

In brief, as Montesquieu pointed out to them [the English] in his lucid way, they had sought to balance executive, legislature, and judiciary off against one another by a series of checks and counterpoises, which Newton might readily have recognized as suggestive of the mechanism of the heavens.

The makers of our federal Constitution followed the scheme as they found it expounded in Montesquieu. . . .<sup>4</sup>

Wilson's statement of the influence of Newtonianism on the Constitution is rather less certain than that of some later writers. Note, for example, Wilson's sentence, "The government of the United States was . . . *a sort of unconscious copy of the Newtonian theory of the universe.*" The italicized words form a very qualified and hesitant phrase. "A sort of unconscious copy" is not the sure and certain language of the bold and assertive Woodrow Wilson. "Unconscious" literally means that the Founding Fathers were unaware that they were acting on Newtonian principles. It is questionable whether any useful purpose, heuristic or other-

<sup>3</sup> E.g., Blackstone, Burlamaqui, Samuel Clarke, Richard Cumberland, Henri François Daguesseau, J. T. Desagulier, John Fontecue, Hume, Leibnitz, Montesquieu, Morellet, Saint-Simon, Vattel, and Voltaire.

<sup>4</sup> *Constitutional Government* (New York: Columbia University Press, 1908), pp. 54-56.



wise, is served when subsequent generations of scholars read Newtonianism into the Constitution if the Founding Fathers did not lend such an interpretation to their own handiwork.

Furthermore, it is difficult to attribute Newtonian origins to principles such as the separation of powers which the Colonial governments had embodied in their state constitutions.<sup>5</sup> It is also worth remembering that the Articles of Confederation did not include this principle in 1781. Did the Founding Fathers suddenly come under the influence of a spell of Newtonianism between 1781 and 1787?

Clinton Rossiter has developed an extended comparison of scientific procedures and the democratic process. He suggests "at least three ways in which Newtonian science quickened the advance toward free government." First, science helped break down superstition and ignorance and exalted reason. Second, science needed and therefore encouraged freedom.

Finally, the new science had a direct influence on the development of American constitutional thought. Basic to the Newtonian system were the great generalizations of a universe governed by immutable natural laws and of harmony as the pattern and product of these laws. The first of these gave new sanction to the doctrine of natural law; the second had much to do with the growing popularity of the Whiggish principles of balanced government.<sup>6</sup>

In his conclusions, Rossiter declared it a cardinal principle of American political philosophy that "the political and social world is governed by laws as certain and universal as those which govern the physical world."<sup>7</sup>

In addition to Wilson and Rossiter an impressive list of other writers on American political ideas also see a relationship between the philosophy of the Founding Fathers and Newtonianism.<sup>8</sup>

<sup>5</sup> William S. Carpenter, "The Separation of Powers in the Eighteenth Century," *American Political Science Review*, XXII (1928), 37-38; Benjamin F. Wright, Jr., "The Origins of the Separation of Powers in America," *Economica*, Number 40 (May, 1933), 184.

<sup>6</sup> *Seedtime of the Republic: The Origin of the American Tradition of Political Liberty* (New York: Harcourt, Brace and Co., 1953), pp. 133-34.

<sup>7</sup> *Ibid.*, p. 340.

<sup>8</sup> E. g., Morris Cohen, *American Thought: A Critical Sketch* (Glencoe, Illinois:

This is far from saying that intellectual historians and political scientists are unanimous in making this point. Indeed, many are silent.<sup>9</sup> Curiously, however, the author found only two writers who explicitly denied the influence of Newtonianism on eighteenth century political thought. J. Robert Oppenheimer finds Newtonianism in neither European nor American politics.

What there is of direct borrowing from Newtonian physics for chemistry, psychology, or politics is mostly crude and sterile. What there is in eighteenth-century political and economic theory that derives from Newtonian methodology is hard for even an earnest reader to find. The absence of experiment and the inapplicability of Newtonian methods of mathematical analysis make that inevitable. These were not what physical science meant to the Enlightenment.<sup>10</sup>

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The Free Press, 1954), p. 138; Edward S. Corwin, "The 'Higher Law' Background of American Constitutional Law," *Harvard Law Review*, XLII (1928-29), 149-85, 365-409; Robert A. Dahl, *A Preface to Democratic Theory* (Chicago: University of Chicago Press, 1956), p. 5; Deutsch, "Mechanism, Organism, and Society," p. 234; Norman Foerster, *American Poetry and Prose* (3d ed.; Boston: Houghton-Mifflin, 1947), I, 111; Ralph H. Gabriel, *The Course of American Democratic Thought* (New York: Ronald Press, 1940), p. 15; Richard Hofstadter, *The American Political Tradition* (New York: A. A. Knopf Vintage Books, 1954), p. 8; Richard Mosier, *The American Temper* (Berkeley: University of California Press, 1952), p. 97; Benjamin F. Wright, Jr., *American Interpretation of Natural Law* (Cambridge: Harvard University Press, 1931), p. 12.

<sup>9</sup> E.g., Charles and Mary Beard, *The Rise of American Civilization* (New York: Macmillan, 1927); John Dickinson, "Checks and Balances," in E. R. A. Seligman and Alvin Johnson, eds., *Encyclopedia of the Social Sciences* (New York: Macmillan, 1930-1935), III, 363-65; Herman Finer, *The Theory and Practice of Modern Government* (Rev. ed.; New York: Henry Holt and Co., 1949); C. J. Friedrich, *Constitutional Government and Democracy* (Rev. ed.; Boston: Ginn and Co., 1950); Raymond G. Gettell, *History of American Political Thought* (New York: Appleton-Century, 1928); Alan P. Grimes, *American Political Thought* (New York: Henry Holt and Co., 1955); Russell Kirk, *The Conservative Mind: From Burke to Santayana* (Chicago: Henry Regnery, 1953); Edwin T. Martin, *Thomas Jefferson: Scientist* (New York: Henry Schuman, 1952); Charles Merriam, *A History of American Political Theories* (New York: Macmillan, 1903); Vernon L. Parrington, *Main Currents in American Thought* (New York: Harcourt, Brace and Co., 1930); Frederick Prescott, *Hamilton and Jefferson* (New York: American Book Co., 1934); Joseph Story, *Commentaries on the Constitution of the United States* (5th ed.; Boston: Little, Brown, and Co., 1891).

<sup>10</sup> *Science and the Common Understanding* (New York: Simon and Schuster, 1954), pp. 15-16.

Daniel Boorstin, who is more concerned with the philosophy of the Declaration of Independence and the Revolution than with that of the Constitution, also takes issue with those who read Newtonianism into eighteenth century American political thought. His general position is that the American Revolution was fought over legal issues rather than issues of natural law or economics.

A close reading of [Carl] Becker [*The Declaration of Independence* (New York: Harcourt, Brace and Co., 1922, reprinted by A. A. Knopf, 1942)] reveals that he draws his evidence of the popularity of natural law thinking more from English and French than from American sources. He does not offer us convincing examples of the adoption of Newtonian thinking into the writings of American Revolutionary theorists.<sup>11</sup>

Needless to say, a poll of secondary writers does not settle the question of the extent to which the Founding Fathers saw an analogy between the laws of physics and the laws of politics. The proposition must be tested against a direct look at some of the political literature of eighteenth century America.

## II

The remainder of this article will suggest the main outlines of the evidence against the proposition that American constitutional philosophy owes a great debt to Newtonianism. The evidence consists of two kinds: first, a sufficient theoretical precedent other than Newtonian, as well as years of political practice, from which the Founding Fathers could have drawn support for the ideas of checks and balances, separation of powers, even of a science of politics; and second, a notable absence of direct acknowledgement by the Founding Fathers of their intellectual debt to a general stream of thought called Newtonianism.

The eighteenth century was not the first century in which earnest philosophers attempted to draw an analogy between science and politics. Nor was the idea of balanced government or "harmony of interests" an original contribution by the Enlightenment. It was as old as the Greek *polis*. George H. Sabine calls "the

<sup>11</sup> *The Genius of American Politics* (Chicago: University of Chicago Press, 1953), p. 79.

harmony of life shared in common by all its members" "the fundamental thought in the Greek idea of the state." He notes that in the sixth century before Christ, Solon commended his legislation for producing a harmony or balance between rich and poor. The concepts of harmony and proportion pervaded much of Greek philosophy, including political philosophy. Professor Sabine says that "the Pythagorean philosophy in particular regarded harmony or proportion as a basic principle in music, in medicine, in physics, and in politics."<sup>12</sup>

Classical Greek thought, as well as early Greek philosophy, shows evidence of both a search for a science of politics and an interest in balanced government. Implicit in Plato's *Republic* is an epistemology which assumes that absolute knowledge can be obtained about politics as surely as about mathematics. Aristotle, although less hopeful than Plato about the possibilities of attaining absolute knowledge in the study of politics, presented a full-blown system of balanced government. The nearest thing to an ideal government in the *Politics* is one in which a large middle class of moderate wealth maintains a balance between small classes of rich and poor.

It is well known that the Founding Fathers were students of the classics. *The Records of the Federal Convention of 1787*<sup>13</sup> and the *Federalist* papers, as well as the writings of individual statesmen of the period, reveal many references to Greek and Roman history and philosophy. The Founding Fathers were familiar with Plato's political science and Aristotle's balanced government. Why is it not reasonable to presume that the American concept of mixed government and the occasional reference to a science of government, a science of politics, a science of war, or a science of federal government were inspired by the classics as easily as by the Newtonians?

If one takes a long historical leap from classical Greece to the generation before Newton, he comes upon a host of illustrious

<sup>12</sup> *A History of Political Theory* (Rev. ed.; New York: Henry Holt and Co., 1953), pp. 25-26.

<sup>13</sup> Max Farrand, ed. (New Haven: Yale University Press, 1911), 3 volumes.

men who attempted to establish a science of society, of politics, and of law. Sabine records,

The seventeenth century became the era of 'demonstrative' systems of law and politics, the purpose being to assimilate all science, the social as well as the physical, as much as possible to a form which was believed to account for the certainty of geometry.<sup>14</sup>

Each of Sabine's examples antedates Newton: Grotius in international law, Spinoza in ethics and politics, Hobbes in politics, and Pufendorf in natural and international law. All of these philosophers, in one degree or another, looked forward to the establishment of laws of politics similar to laws of science. Their method was geometric and deductive, for that was the principal scientific method of the time. In a word, seventeenth century philosophy, like classical Greek thought, reveals efforts to draw an analogy between science and politics.

If Aristotle gave to classical Greece the best expression of the doctrine of balanced government, James Harrington performed a similar service for the seventeenth century. Like Grotius, Spinoza, Hobbes, and Pufendorf, Harrington published before the appearance of Newton's *Principia* in 1687. Harrington's *Oceana* in 1656 revived Aristotle's concept of class and proposed to balance conflicting economic interests by an elaborate system of checks and balances and separation of powers.

To summarize thus far, one may say that both classical thought and seventeenth century philosophy evinced interest in a science of politics and in the concept of mixed government. From this fact arises the presumption that the Founding Fathers more probably could have derived their political philosophy from sources other than Newtonian. This presumption would be especially strong if, in their writings and speeches, the Founding Fathers referred more frequently to seventeenth century and classical figures than to the Newtonians.

This leads to a survey of the political writings of the Founding Fathers, from which emerges a second body of evidence to

<sup>14</sup> *A History of Political Theory*, p. 426.

indicate that the influence of Newtonianism has been exaggerated. The author's reading in eighteenth century American political literature has not turned up acknowledgements of intellectual debts to Newton or to a stream of thought which may be regarded as Newtonian, or even many mechanical metaphors.

Why should one look for references to Newton or Newtonianism as signs of the influence of Newtonianism on political thought? Why not deal merely with the substance of the political ideas of the Founding Fathers and see whether it bears any similarities to Newtonian philosophy? In the first place, European political philosophers referred directly to Newton or made explicit analogies between politics and science. These references and analogies constitute much of the evidence for those who interpret eighteenth century political philosophy in Newtonian terms. If references to Newton are evidence of Newtonianism in European philosophy, the absence of such references should be evidence of the lack of influence of Newtonianism on American political thought. Second, merely to treat the substance of constitutional philosophy, without attention to the sources of the philosophy, allows subsequent generations to read into the philosophy what may not have been intended, to make comparisons and interpretations which may not have occurred to the statesmen of 1787.

It is important to recognize two limitations of the present investigation. First, the author has not had access to everything each Founding Father wrote. Had he the time and the sources he might find more evidence of Newtonianism than he has so far discovered. Second, not everything a man thinks, nor everything which influences a man's thought, are necessarily recorded on paper. In spite of these limitations the investigation will proceed, for other writers have been attributing Newtonianism to the Founding Fathers with precious little evidence to support their claims.

The early American statesmen were uncommonly literary and philosophic and they bequeathed posterity an enormous body of literature. As a means of investigating their debt to Newtonianism the author has supplemented his readings in major works by checking index references in several editions of their papers for



the following items: Newton, Newtonianism, balanced government, checks and balances, separation of powers, mixed government, mechanics, natural law, natural rights, and science.<sup>15</sup> Any passages cited by secondary writers as evidence of Newtonianism have been read in their original context. There is no certainty that this method has uncovered all the relevant evidence either for or against the claim of Newtonianism, but it would appear to be a fair means to obtain a representative sample. Inasmuch as considerable research has been conducted without finding significant Newtonian influences, it seems appropriate to raise the question whether this influence has been overestimated.

The Founding Fathers whose works were sampled include John Adams, Benjamin Franklin, and Thomas Jefferson, plus the *Federalist* papers of Alexander Hamilton, James Madison, and John Jay. Adams enjoys the reputation as the foremost political philosopher of his day, if not in the whole history of his country. Franklin was, and is, universally acknowledged as the leading scientist of Colonial America. Jefferson probably breached the gap between science and politics better than any other figure of his time. Although not in attendance at the Constitutional Convention, his opinion of its work was anxiously awaited. And the

<sup>15</sup> These sources include Charles Francis Adams, ed., *The Works of John Adams* (10 vols.; Boston: Little, Brown, 1850-56); Adrienne Koch and William Peden, eds., *The Selected Writings of John and John Quincy Adams* (New York: A. A. Knopf, 1946); *The Autobiography of Benjamin Franklin* (New York: Modern Library, 1944); John Bigelow, ed., *The Works of Benjamin Franklin* (New York: G. P. Putnam's Sons, 1904); Hamilton, Madison and Jay, *The Federalist*, edited by Paul L. Ford (New York: Henry Holt and Co., 1898); Jefferson, *Notes on the State of Virginia* [a reprint of the original edition of 1784] (Brooklyn: Historical Printing Club, 1894); Paul L. Ford, ed., *The Writings of Thomas Jefferson* (New York: G. P. Putnam's Sons, 1899); Samuel L. Mitchill, *A Discourse on the Character and Services of Thomas Jefferson More Especially as a Promoter of Natural and Physical Science* (New York: G. and C. Carril, 1826); Saul K. Padover, ed., *The Complete Jefferson* (New York: Duell, Sloan, and Pearce, 1943); Padover, ed., *Thomas Jefferson on Democracy* (New York: New American Library, 1953); Julian Boyd, ed., *The Papers of Thomas Jefferson* (Princeton: Princeton University Press, in progress), the first twelve volumes of a projected fifty volume edition; E. J. Sherwood and I. T. Hopper, *The Papers of Thomas Jefferson: Index to Volumes 1-6* (Princeton: Princeton University Press, 1954).



eighty-five *Federalist* articles are everywhere acknowledged for their authoritative commentaries on the Constitution.

Adams sought to establish a science of government, but his meaning of science is not always clear. To John Taylor of Caroline he wrote, "... study government as you do astronomy, by facts, observations, and experiments; not by the dogmas of lying priests or knavish politicians."<sup>16</sup> A bit later he wrote Taylor, "Study governments as you build ships or construct steam-engines."<sup>17</sup> The results of his study, especially the efficacy of separation of powers, he believed were as infallible as "any demonstration in Euclid."<sup>18</sup> Why did he not say Newton if he were strongly influenced by Newtonianism?

J. G. Crowther, in a chapter entitled "Science and the American Constitution," contends that the Newtonianism in the Constitution was put there by Adams.<sup>19</sup> Crowther places the burden on Adams by calling attention to quotations from Niccolo Machiavelli and James Harrington which appear in Adams' *Defence of the Constitutions*.<sup>20</sup> The quoted passages were drawn from *The Discourses* and *Oceana*, published in 1514 and 1656 respectively. Since both appeared before the publication of *Principia* in 1687, it would seem to be a reasonable interpretation that far from reflecting the mechanics of Newtonianism, Machiavelli and Harrington reflected the ancient idea of mixed government. Harrington probably introduced Adams to the concept of balance,<sup>21</sup> which Adams then traced through the writings of Swift, Franklin, Price, Machiavelli, Sidney, Montesquieu, Polybius, Dionysius of Halicarnassus, Plato, Locke, Milton, and Hume, as well as through the histories of the governments of Carthage down to contemporary times.

Clinton Rossiter believes "it is going a bit too far to look

<sup>16</sup> *The Works of John Adams*, VI, 479.

<sup>17</sup> *Ibid.*, p. 481.

<sup>18</sup> *Ibid.*, I, 432.

<sup>19</sup> *Famous American Men of Science* (London: Secker and Wartburg, Ltd., 1937), p. 140.

<sup>20</sup> *The Works of John Adams*, IV, 416-20, 427-34.

<sup>21</sup> Correa M. Walsh, *The Political Science of John Adams* (New York: G. P. Putnam's Sons, 1915), p. 249.

upon the American Constitution as a monument to Sir Isaac Newton," and cites Crowther and Woodrow Wilson as examples of those who have gone too far in this direction. Nevertheless, Rossiter thinks the widespread acceptance of Newton's theory of a harmonious universe

helped create an intellectual atmosphere in which a system of checks and balances would have a special appeal to constitution-makers. If John Winthrop could thank immortal Newton for discovering the law of attraction and repulsion, "the fundamental law which the alwise CREATOR has established for regulating the several movements in this grand machine," certainly John Adams could thank him for supporting the law of checks and balances, the fundamental law of the machine of constitutional government.<sup>22</sup>

Professor Rossiter cites a source for the quotation from Winthrop; he neither cites nor quotes support for his statement about Adams.

Adams based his exposition of the separation of powers doctrine, which he regarded as "the only scientific government,"<sup>23</sup> not on analogies to mechanics, but on a study of the accumulated experience of political history. His quotation of one of Newton's laws of motion, "that reaction must always be equal and contrary to action,"<sup>24</sup> was not only unique but was probably mere window-dressing and can hardly be regarded as a substantive part of his philosophy. In the absence of frequent appeals to Newtonianism and in the presence of immense documentation from traditional political philosophy, the influence of Newtonianism on Adams' politics deserves to be questioned.

Benjamin Franklin also appears not to have been a Newtonian politician, although more than any other Founding Father he was aware of the implications of Newton's work. His almanac popularized Newtonianism for the scientific laity.<sup>25</sup> If there had been any relationship between Newtonianism and the philosophy of the Constitution, one would expect Dr. Franklin to have seen it.

<sup>22</sup> Rossiter, *op. cit.*, p. 134.

<sup>23</sup> *The Works of John Adams*, VI, 44.

<sup>24</sup> *Ibid.*, IV, 390.

<sup>25</sup> Chester E. Jorgenson, "The New Science in the Almanacs of Ames and Franklin," *New England Quarterly*, VIII (1935), 555-61.

No evidence emerges that he did. In fact, as Verner Crane makes clear, he shunned philosophy and system-building, passing on "not a system but the empirical method which American leaders have generally adopted."<sup>26</sup>

It may be recalled that Rossiter and Oppenheimer emphasized the importance which freedom in science and free government had for each other in the eighteenth century. Rossiter calls Franklin one of the first to recognize the similarities between scientific and democratic procedures and their parallel needs for freedom of inquiry and faith in reason.<sup>27</sup> He does not count Franklin among the Founding Fathers whose political philosophies were founded on the belief in political laws as certain and predictable as the laws of physics.

Nor, the author submits, should Jefferson be counted as a Newtonian in politics. Although not as great a scientist as Franklin, Jefferson must have loved science nearly as much. Indeed, he might have preferred a scientific to a political career, for in 1807 he wrote his good friend, Dupont de Nemours, "Nature intended me for the tranquil pursuits of science, by rendering them my supreme delight." Only "the enormities of the times," he continued, forced him to give up science for the "boisterous oceans of political passions."<sup>28</sup> Of Jefferson's *Notes on Virginia* Harlow Shapley says,

To me they demonstrate more clearly than anything else that, if he had been free from his national political life, he could have readily developed into one of the leading scientists of his time and country.<sup>29</sup>

However, the *Notes on Virginia* is not the theoretical, mechanical, mathematical science of Newton. It represents the interests of a man of practicality, application, and utility. Jefferson surveyed the area of the commonwealth of Virginia, described the course

<sup>26</sup> *Benjamin Franklin and a Rising People* (Boston: Little, Brown, 1954), pp. 205-06.

<sup>27</sup> Rossiter, *op. cit.*, pp. 205-06.

<sup>28</sup> Quoted in Edwin T. Martin, *Thomas Jefferson: Scientist* (New York: Henry Schuman, 1952), pp. 3-4.

<sup>29</sup> "Notes on Thomas Jefferson as a Natural Philosopher," *Proceedings American Philosophical Society*, LXXXVII (1943), 237.

of rivers, estimated their fitness for navigation, calculated mountain heights, noted cascades and caverns, located mineral deposits, identified birds, excavated a mastodon, discoursed on racial characteristics, investigated the history of the grape, and was instrumental in establishing a uniform system of weights and measures.<sup>30</sup> One year before his death he summarized his utilitarian interest in science.

I revolt against metaphysical reading . . . the business of life is with matter that gives us tangible results. Handling that, we arrive at the knowledge of the axe, the plough, the steamboat, and everything useful in life. But, from metaphysical speculations, I have never seen one useful result.<sup>31</sup>

Jefferson's science, then, was hardly Newtonian. This is not to say that he rejected the Newtonian view of the universe; in fact, he regarded Newton with Locke and Bacon as the trinity of the world's greatest men.<sup>32</sup> But his scientific interests were not on the same plane as Newton's. Nor does his political philosophy appear to have been influenced by Newtonianism. Like many other political leaders of his period, Jefferson wrote extensively. Surely if he had thought his politics akin to Newtonianism, he would have said as much.

A few words remain to be offered about signs of Newtonianism in the *Federalist*. Hamilton and Madison apparently possessed different degrees of confidence in a science of politics. In comparing maxims of ethics and politics with those of geometry, Hamilton said,

In disquisitions of every kind there are certain primary truths or first principles, upon which all subsequent reasonings must depend. These contain an internal evidence, which, antecedent to all reflection or combination, commands the assent of the mind. Where it produces not this effect, it must proceed either from some defect or disorder in the organs of perception, or from the influence of some strong interest, or passion, or prejudices.<sup>33</sup>

<sup>30</sup> *Notes on the State of Virginia*, *passim*.

<sup>31</sup> Martin, *op. cit.*, p. 36.

<sup>32</sup> Letter to Benjamin Rush, January 16, 1811, in Paul L. Ford, ed., *The Writings of Thomas Jefferson*, IX, 296.

<sup>33</sup> Paul L. Ford, ed., *The Federalist*, Number 31, p. 193.

His examples of "first principles" of government were no effect without a cause, means should be proportioned to ends, every power should be commensurate with its object, and there should be no limits on a power destined to effect a purpose which is itself incapable of limitation. Hamilton added that while these principles should not be thought as certain as those of mathematics, they have better claim to certitude than is often admitted.<sup>34</sup>

Madison contrasted the unreliability of political knowledge with the "perfectly accurate" knowledge of nature.

When we pass from the works of nature, in which all the delineations are perfectly accurate, and appear to be otherwise only from the imperfection of the eye which surveys them, to the institutions of man, in which the obscurity arises as well from the object itself as from the organ by which it is contemplated, we must perceive the necessity of moderating still further our expectations and hopes from the efforts of human sagacity. . . . Questions daily occur in the course of practice, which prove the obscurity which reigns in these subjects, and which puzzle the greatest adepts in political science.<sup>35</sup>

Nothing in either Hamilton's or Madison's contributions to the *Federalist* indicates that concern for a science of politics was peculiarly Newtonian. Aspirations for a political science are as old as Plato, at least.

Nor does the discussion of the separation of powers resemble Newtonianism. Montesquieu is quoted, but not Newton's laws of motion. The argument rests on an appeal to political experience, a particular view of human nature, a critical rebuttal of the opposition to the Constitution, and an exposition of the advantages of the proposed new government. Mechanical metaphors, such as "enlargement of the orbit," "a perpetual effort . . . to fly off from the common center," are more frequent than in Adams' *Defence of the Constitutions*. But they are never employed in connection with the separation of powers, and they never constitute more than mere literary flourishes.

<sup>34</sup> *Ibid.*, p. 194.

<sup>35</sup> *Ibid.*, Number 37, pp. 232-33.

## III

In conclusion, this research note has reopened the question whether Newtonianism was a significant influence on the American Constitution. Evidence of two kinds indicates that the influence has perhaps been overstated by intellectual historians and political scientists. First, aspirations for a science of politics, exposition of balanced or mixed government, and the concept of separation of powers pre-date Newton and Newtonianism. Second, one finds little in the literature of the Founding Fathers to indicate that they relied on Newtonian analogies as a source of political ideas or as support for their doctrines. On the other hand, one finds numerous citations of the classic, pre-Newtonian writers. Given evidence of this kind one would seem justified in holding that the closest connection between the philosophy of the *Principia* and the philosophy of the Constitution of the United States is that both documents were published in the eighty-seventh year of their respective centuries.

## *The National Consumers' League and the Brandeis Brief\**

SINCE 1899 the National Consumers' League has contributed heavily to the successful struggle in the United States to enact, enforce and defend protective labor legislation. The latter-day development of organizations to inform shoppers of the "best buy" in the market has eclipsed the League's idealistic purpose in organizing "to have consumers use their buying power, their economic and political power, to compel the payment of decent wages."<sup>1</sup> Consumer action as a method of reform developed during the 1890's when so many people became conscience-stricken over the miserable working conditions created by industrialism.<sup>2</sup> Correction came only after the public was aroused, and

\* The preparation of this article was assisted by a grant from the Faculty Research Fund Committee of Bowdoin College, which is gratefully acknowledged. Miss Elizabeth Magee, General Secretary of the National Consumers' League, allowed access to records still located at headquarters in Cleveland. Mrs. Pearl W. Von Allmen, Law Librarian for the University of Louisville, permitted use of the Louis D. Brandeis papers. Mrs. Suzanne Zwemer, Secretary of the Consumers' League of New Jersey, loaned records which the author prepared for permanent deposit at the Library of Congress. The author profited from conversations with these women and with Elizabeth Brandeis, Mary W. Dewson, and Elinore M. Herrick.

<sup>1</sup> Donald E. Richberg, *Labor Standards Conference* (Second Annual Report, 1933), back cover.

<sup>2</sup> For full histories of the League, see Josephine Goldmark, *Impatient Crusader, Florence Kelley's Life Story*; Foreword by Felix Frankfurter; Preface by Elizabeth Brandeis (Urbana: University of Illinois Press, 1953); and Maud Nathan, *The Story of an Epoch-Making Movement*; Foreword by Newton D. Baker, Mary Anderson and Edward A. Filene (Garden City: Doubleday, Page & Co., 1926). For brief accounts stressing the League's importance in general historical developments, see Robert H. Bremner, *From the Depths: The Discovery of Poverty in the United States* (New York: New York University Press, 1956),



this came only after facts and figures about conditions were provided. The leaders were individuals who did not experience in their own daily lives the factory working conditions they sought to change. Rather they were aroused by the very helplessness of the men, women and children whom they acted to protect.

### I. LEADERSHIP

In the first years of the new century, activity in consumer organizations had great prestige among socially prominent women across the country. Directors or officers of state leagues included the names of Choate, Morgan, and Vanderbilt in New York; Gardiner, Lawrence, Peabody, Phillips, and Shaw in Massachusetts; Fels in Pennsylvania; Garfield, Hanna, and Mather in Ohio; Kent, McCormick, and Root in Illinois; and Sensenbrenner in Wisconsin. Not only did the society leaders in the League contribute most of the money, but they also participated actively in the work of the League. This was true of Eleanor Roosevelt and Frances Perkins, for both of them devoted much time to the organization during its early years.

The life of Florence Kelley is almost a biography of the National Consumers' League as she served as its general secretary from its origin in 1899 until her death in 1931. Her qualifications for the position were ideal. As the daughter of a Pennsylvania Congressman known as "Pig Iron" Kelley, she early gained a firm grasp of public affairs and politics. One of the first women to graduate from Cornell University, Florence Kelley also earned a law degree from Northwestern. After college she spent three years in Europe studying in Zurich. Here she became interested in socialism and translated into English Friedrich Engel's, *The Condition of the Working Class in England in 1844*. Back in the United States after an unsuccessful marriage in Europe, she always used her maiden name. Soon Mrs. Kelley was a resident of Hull House, an intimate friend of Jane Addams, the settlement house

pp. 232-243; Arthur M. Schlesinger, Jr., *The Age of Roosevelt: The Crisis of the Old Order, 1919-1933* (Boston: Houghton-Mifflin Co., 1957), pp. 23-26; and George Soule, "Consumers' League," *Encyclopedia of the Social Sciences*, IV, 291-293.

leader, and of Henry Demarest Lloyd, author of *Wealth Against Commonwealth*. These early associations with reformers continued, and it was typical that she was a director of the National Association for the Advancement of Colored People from 1909 to her death. Mrs. Kelley obtained practical experience in improving the conditions of labor after 1893 when she was appointed by Governor Altgeld to be Chief Inspector of Factories for Illinois. In 1899 she was called to New York to conduct the work of the National Consumers' League. As we shall see, Mrs. Kelley understood the difficulties of improving the conditions of work throughout the whole country, and her strategy was as broad as the problem she faced. Her time was divided among lecturing, writing, and directing the organization of the Consumers' League at national headquarters on Henry Street in New York City. Felix Frankfurter has recently recalled that "Florence Kelley was one of a galaxy of wonderful women with whom she worked—Jane Addams, Julia Lathrop, Lillian D. Wald, Grace and Edith Abbott, Alice Hamilton, among others. Florence Kelley seemed at the time, and remains in memory, the most salient, salty character of them all."<sup>3</sup>

On the professional staff of the National Consumers' League, Mrs. Kelley's main support came from Miss Josephine Goldmark, who subsequently wrote her biography. As chairman of the League's important Committee on Legislation, Miss Goldmark directed some of the early campaigns for reform. Then from 1908 until 1915 she worked closely with Louis D. Brandeis, her brother-in-law, in the defense of legislation in the courts. She survived Mrs. Kelley by twenty years, during which time she provided a good deal of informal direction to League affairs. Her sister, Miss Pauline Goldmark, working chiefly for the New York Consumers' League, contributed to the publications of the national league.

In the twenties, a new generation of women enlisted to carry on the work of the League. To the national office came Jeannette Rankin, who as Congresswoman from Montana had in 1917 cast a vote against America's entry into the first World War and

<sup>3</sup> Goldmark, *Impatient Crusader*, p. ix.

was to do the same in 1941. Miss Rankin assisted Mrs. Kelley, travelling over the country as a lecturer. At the same time, Mary W. Dewson took over much of the work of Josephine Goldmark in doing economic and social research.

The presidents of the National League during these years were a distinguished and active group of men. First was John Graham Brooks, Bostonian, Unitarian and independent social scientist who wrote many books, including *The Social Unrest* and *Labor's Challenge to the Social Order*. On vacating the office after sixteen years, Brooks was honorary president of the League until his death in 1938 at age ninety-one. In 1915 Newton D. Baker succeeded to the presidency of the League. Baker had been City Solicitor and Mayor of Cleveland and was soon appointed Secretary of War under Wilson. In 1923 John R. Commons, professor of economics at the University of Wisconsin and historian of the American labor movement, became president and continued in office until 1935. The last in line for the period before 1938 under study was John G. Winant, liberal Governor of New Hampshire, first chairman of the Social Security Board, and later American Ambassador to Great Britain.

A number of college professors in the social sciences contributed intellectual assistance to the National Consumers' League during its most active years. These included Richard T. Ely of the University of Wisconsin; Arthur Holcombe and Sumner Slichter of Harvard; Frank P. Graham of the University of North Carolina; E. R. A. Seligman of Columbia University; Walton H. Hamilton and Irving Fisher of Yale University; William A. Neilson of Smith College; Mary E. Wooley of Mount Holyoke College; Walter Willcox of Cornell University; and Monsignor John A. Ryan of Catholic University, an especially effective supporter of the League's objectives. Since the prime method of the National Consumers' League was educational, these leaders of thought played a vital role in advancing the work of the organization.

Lawyers played important functions in drafting model legislation, defending the position of the League in court cases, and advising on the constitutional problems of the day. Louis Brandeis was preeminent as counsel until 1916, when he was appointed to

the United States Supreme Court. His successor was Felix Frankfurter, then a professor at Harvard Law School. Newton D. Baker, Benjamin Cohen and Dean Acheson were among the attorneys who assisted the National Consumers' League during the early New Deal period.

## II. POLITICAL ACTIVITY

Early experience taught the National Consumers' League to take different types of action to achieve its objective of raising standards of employment for women and children. Devoted supporters could make a personal contribution to the League's purpose through alert shopping. The principles of the organization declared it to be "the duty of consumers to find out under what conditions the articles they purchased are produced and distributed, and insist that these conditions shall be wholesome and consistent with a respectable existence on the part of the workers."<sup>4</sup>

The League made it practical for members to live up to these ideals. Led by Florence Kelley, volunteers acting as private factory inspectors persuaded manufacturers of ladies underwear to stitch on their goods the Consumers' League label signifying that production had taken place under satisfactory working conditions. In 1903, this meant that "the state factory law is obeyed; all the goods are made on the premises; overtime is not worked; children under sixteen years of age are not employed." A declaration of the National Consumers' League explained that this guaranty was based on the following procedure:

Before the use of the label is awarded to a manufacturer, his factory is visited and an agent of the League also asks both the local Board of Health and the State Factory Inspector for a report on the establishment. When this is satisfactory, the manufacturer signs a penalty contract embodying the four points guaranteed. After the use of the label is awarded, the factory is visited from time to time by the Agent of the League, and the local committee of the League reports it to the National Secretary.

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<sup>4</sup>N. C. L. *Fourth Annual Report* (1903). See John Graham Brooks, "The Label of the Consumers' League," *Publication of the American Economic Association*, Third Series (New York: Macmillan Co., 1900), I, 250-258. Also, see "The Consumers' League Label and Its Offspring," *Survey* (August 8, 1914), XXXII, 478.

Although the use of the label declined after 1917, when it was generally superseded by the union label, the Consumers' League continued through the years to emphasize direct action through boycott by the shopping public.

Intelligent consumption based on investigation and education was an approach to the problem of working conditions which necessarily laid great stress on publicity. The location of the League with other organizations at the United Charities Building in New York afforded important advantages, as *The Survey*, *The Outlook* and related magazines edited there over a period of years served almost as house organs for the Consumers' League. The organization also had many friends among people of influence like teachers and ministers, and it sought them as the Reverend James T. Bixby's report to the seventh annual meeting reveals.<sup>5</sup>

During the last year I have sent out about fifty letters to clergymen and men of distinction, asking for their interest and sympathy in the work of the League; also asking them to promise to address public audiences occasionally in behalf of the League, due notice to be given them. The pastors of the churches have been asked to make the work of the League the theme of some Sunday service, or subject of some address to their congregations. Favorable answers have been received from Rev. Newell Dwight Hillis, of Plymouth Church; Rev. Lyman Abbott, Rev. Martin K. Schermerhorn, of Poughkeepsie; Dr. Maurice A. Harris, Rev. Charles F. Dole, of Jamaica Plain, Massachusetts; Rev. Frank O. Hall, Rev. Paul R. Frothingham, of Boston; Rev. James M. Ludlow, Rev. C. B. Elder, Rev. William B. Stevenson.

Thus directly and indirectly did the National Consumers' League seek to gain its ends.

The legislative accomplishments of the Consumers' League came from careful research, clear goals and involved alliances. Commonly, after study and wide consultation, the League drafted a model bill on maximum hours, night work for women, child labor and other subjects. In 1910, for example, a model minimum wage bill was drawn up, and in 1912 it was first enacted in Massachusetts. Through the work of state and local consumers'

<sup>5</sup> N. C. L. *Seventh Annual Report* (1906).

leagues, essentially the same model soon afterwards became law in twelve other states and the District of Columbia. This pattern was repeated on other issues and at the national level, too, through alliances of the League with organizations like the American Association for Labor Legislation and the National Child Labor Committee.<sup>6</sup>

When statutes were on the books, Mrs. Kelley and Miss Goldmark, unlike some reformers, showed acute insight into the cycle of policy-making by focusing the attention of the National Consumers' League on public administration. Mrs. Kelley's experience in factory inspection for the state of Illinois had taught her useful lessons in dealing with the administrative branch of government everywhere, and she incorporated these in her body of teachings.<sup>7</sup>

Following the work of getting legislation comes the less exciting task of enforcing it. Nowhere are there enough factory inspectors for the effective enforcement of the Child Labor Laws. In some states, notably in Pennsylvania, an annual inspection is all that is regularly attempted. To meet this dearth, women have made during the present year, efforts to secure the appointment of women as inspectors in Minnesota and Connecticut.

It is desirable that in every state in which there is a Consumers' League the effort might be continued until crowned with success for the increase of the number of inspectors, and the addition of women to the staff.

By 1906 fifteen states had women factory inspectors. Some of these women were also members of the Consumers' League, carrying organizational zeal directly into the job of enforcing the new laws. Where direct control of administration was absent, Mrs. Kelley requested "all state and local leagues to make investigations within their own territory into the hours of labor and the wages and cost of living of working women and girls." She would "gladly furnish suggestions as to methods of procedure." Mrs. Kelley's interest in conducting these inquiries meant that the League was armed with facts to use before legislative committees or to nudge officials charged with enforcing the law.

<sup>6</sup> See Elizabeth Brandeis, *Labor Legislation (History of Labor in the United States, 1896-1932, Vol. IV)* (New York: Macmillan, 1935).

<sup>7</sup> N. C. L. *Eighth Annual Report* (1907).

The third branch of government was not neglected by Mrs. Kelley, for when the courts threw up obstacles in her path, she responded with the same methods of action used to win legislative and administrative victories. Her faith in organization, in fact-finding, and in education, as well as her belief in eventual progress is shown in her reaction to an adverse judicial decision before the turn of the century. When the Illinois Supreme Court, in 1895, invalidated an eight-hour law for women,<sup>8</sup> Mrs. Kelley pointed out that maximum hours legislation had been upheld in many states and had long been in force in Europe. She continued, caustically,<sup>9</sup>

It remained for the Supreme Court of Illinois to discover that the amendment to the Constitution of the United States passed for the purpose of guaranteeing the negro from oppression, has become an insuperable obstacle to the protection of women and children. Nor is it reasonable to suppose that this unique interpretation of the fourteenth amendment will be permanently maintained, even in Illinois.

. . . It may be that the court is as advanced as that portion of the community which is not yet thoroughly aware that Illinois is the third great manufacturing State of the Union. When, however, the observations made during a few more years shall have convinced the medical profession, the philanthropists, and educators, as experience has already convinced the factory employees themselves, that it is a matter of life and death to young people who form so large a proportion of their numbers, to have a working day of reasonable length guaranteed by law, it will be found possible to rescue the fourteenth amendment to the Constitution of the United States from the perverted interpretation upon which this decision rests. We hope that *Ritchie vs. The People* will then be added to the reversed decisions.

Developments proved Mrs. Kelley right. The *Ritchie* decision with respect to maximum hours for women was reversed in 1910,<sup>10</sup> but the courts did not universally accept her view on minimum wages until twenty-five years later.

<sup>8</sup> *Ritchie v. People*, 155 Ill. 98, 40 N.E. 454 (1895).

<sup>9</sup> Florence Kelley, *Some Ethical Gains Through Legislation* (New York: Macmillan Co., 1905), p. 141.

<sup>10</sup> *Ritchie v. Wayman*, 244 Ill. 509, 91 N.E. 695 (1910).



Although Florence Kelley had a remarkable insight into the total governmental process, her own emphasis on the enforcement of laws left the direction of court cases to Josephine Goldmark. In dealing with problems, the leadership of the League was eminently practical. At first, Miss Goldmark acted as chairman of the Committee on Legislation, its duties being to "keep informed and report to the Executive Committee all legislation concerning the objects in which the National Consumers' League is interested. . . ." <sup>11</sup> When the statutes met opposition in the courts, in 1908, the by-laws were amended to form the Committee on Legislation and Legal Defense of Labor Laws with added duties to "assist in the defense of the laws by supplying additional legal counsel and other assistance." <sup>12</sup> Thereafter, the organization kept watch on the three branches of government at both state and national levels.

Adversity faced the National Consumers' League in 1923 when the Supreme Court invalidated the District of Columbia minimum wage law in the case of *Adkins v. Children's Hospital*.<sup>13</sup> This loss produced feverish interest in possible methods of reforming the law, the Court, or the Constitution. John R. Commons, then new as League president, polled a number of authorities in constitutional law for opinions on appropriate action. Felix Frankfurter, counsel in the *Adkins* case, presided over a minimum wage conference called by the National Consumers' League in the spring of 1923.<sup>14</sup> It was evident that much might be done short of constitutional change to protect through law the women and children then working too much for too little. Upon "the basic theory of our common law system that a case decides a case, and nothing else," Frankfurter urged "the absolute importance of continued aggressive enforcement of those laws which have been untouched by this decision. . . ." <sup>15</sup> Where statutes fell, new wording should be fashioned to accommodate the judicial objec-

<sup>11</sup> N. C. L. *Sixth Annual Report* (1905).

<sup>12</sup> N. C. L. *Ninth Annual Report* (1908).

<sup>13</sup> 262 U.S. 447 (1923).

<sup>14</sup> Minimum Wage Conference, April 20, 1923, National Consumers' League Papers, Library of Congress.

<sup>15</sup> *Ibid.*

tions. Suggestions were made that minimum wage laws would be safe only after vacancies appearing in the Supreme Court were filled with liberal men. Also, the League asked Congress to enact a law to the effect "that all state and federal laws shall conclusively be deemed to be constitutional unless the Supreme Court otherwise determines by an affirmative vote of at least seven members if it be a state law, and by an unanimous affirmative vote if it be an Act of Congress." This was a precursor of the 1937 effort to curb the Court and was taken up by Senator Borah and the Progressive Party platform in 1924. At the same time, the National Consumers' League renewed its interest in a Child Labor Amendment and worked tirelessly with the National Child Labor Committee to bring this about. Both efforts failed.

### III. FOCUS ON THE COURTS

#### *Assembling the Sociological Data*

The partnership of Louis D. Brandeis and the National Consumers' League in the preparation of sociological briefs for the defense of labor legislation was by no means accidental.<sup>16</sup> Brandeis had an enormous reputation among reformers of the century's first decade, for he early applied his brilliant legal mind to solving specific labor relations problems. In 1902 he provided advice for Clarence Darrow, who presented the mine workers' case before the Anthracite Coal Strike Commission created by President Theodore Roosevelt. As counsel for certain corporations in New England, Brandeis had stressed the need of regular employment for all working men. His reputation as an insurgent, together with his personal connections with Josephine Goldmark, as her brother-in-law, and with Florence Kelley, as a mutual friend of Henry Demarest Lloyd, makes understandable their request, in

<sup>16</sup> Little has been written on the work of Brandeis as an attorney for the Consumers' League. For general information and appraisal of Brandeis, see Alpheus T. Mason, *Brandeis: A Free Man's Life* (New York: Viking Press, 1947); Paul Freund, *On Understanding the Supreme Court* (Boston: Little, Brown and Co., 1951), pp. 45-75; Samuel J. Konefsky, *Holmes and Brandeis* (New York: Macmillan, 1956); Ervin H. Pollack, *The Brandeis Reader* (New York: Oceana Publications, 1957).

1907, that he help defend the Oregon ten-hour law. Miss Goldmark has reported her sensations as she and Mrs. Kelley first went to ask Brandeis for help.<sup>17</sup>

What he would say, we had no idea. After all, he had had no hand in shaping the legal record nor in presenting the defense in the state courts. The verdict of the highest court in Oregon was in our favor; but in the U. S. Supreme Court the adverse *Lochner* decision invalidating an hour law stood menacingly in our path. The time to prepare a brief was very short, probably not more than a month.

As we know, Brandeis agreed to take command. His appearance as counsel for the State Industrial Commission in *Muller v. Oregon* was the first of a series of appellate court cases in which the National Consumers' League provided defenses of labor legislation.<sup>18</sup>

Josephine Goldmark has related further what Brandeis told her would be needed for a brief, "namely, *facts*, published by anyone with expert knowledge of industry in its relation to women's hours of labor, such as factory inspectors, physicians, trades unions, economists, social workers." If she could return in two weeks to Boston "with such printed matter, sufficiently

<sup>17</sup> Goldmark, *Impatient Crusader*, p. 154.

<sup>18</sup> A National Consumers' League pamphlet states that the organization prepared briefs in the support of fifteen cases. *Thirty Five Years of Crusading, 1899-1935* (New York: National Consumers' League, 1935), p. 10. While no official listing is available, a compilation of known cases in which the League was involved is given below. Where two courts are cited for a single case, the League participated in both proceedings; one citation for a case signifies more limited involvement by the League. *Muller v. Oregon*, 208 U.S. 412 (1908); *Ritchie v. Wayman*, 244 Ill. 509, 91 N.E. 695 (1910); *People v. Elerding*, 254 Ill. 579, 98 N.E. 982 (1912); *Ex parte Hawley*, 85 Ohio 495, 98 N.E. 1126 (1911), *affirmed*, *Hawley v. Walker*, 232 U.S. 718 (1914); *Ex parte Miller*, 162 Cal. 687, 124 Pac. 427 (1912), *affirmed*, *Miller v. Wilson*, 236 U.S. 373 (1915); *Bosley v. McLaughlin*, 236 U.S. 385 (1915); *Bunting v. Oregon*, 243 U.S. 426 (1917); *Stettler v. O'Hara*, 69 Ore. 519, 139 Pac. 743 (1914), *affirmed*, 243 U.S. 629 (1917); *People v. Charles Schweinler Press*, 214 N.Y. 395, 108 N.E. 639 (1915), *affirmed*, 163 App. Div. 620, 148 N.Y.S. 725 (1914); *Children's Hospital v. Adkins*, 284 Fed. 613 (D.C.C.A., 1922), *affirmed*, *Adkins v. Children's Hospital*, 261 U.S. 525 (1923); *Radice v. New York*, 264 U.S. 292 (1924); *Gainer v. Dohrman*, S.F. No. 10, 990, Sup. Ct. Calif (1924); *Morehead v. New York ex rel. Tipaldo*, 298 U.S. 587 (1936).

authoritative to pass muster," she and Brandeis would then work up the material into a brief.<sup>19</sup> The *Outlook* magazine praised what then took place, as follows:<sup>20</sup>

. . . Miss Josephine Goldmark, of the League, delved into the libraries—Columbia University Library, the Astor Library, and the Congressional Library were put at her service. Ten readers were employed. One, a young medical student, devoted himself solely to reading on the hygiene of occupation. It is significant that there is a lack of American statistics on this subject; there is plenty of opinion; the general conditions are a matter of common knowledge; but what we need are specific facts. Europe is ahead of America in this respect, and the foreign medical opinions are among the most impressive which were ultimately incorporated in the brief. It is only a lawyer with a broad view and large mind who would do what Mr. Brandeis did—go before the Supreme Court of the United States with a brief of one hundred and thirteen pages, of which only two pages could be construed as a strictly legal argument. The result of this impressive presentation of facts was a unanimous decision by the Court that the present and future mothers of the race are worthy of defense against the greed of man.

"While the brief provided once for all a new method of defense and established its basis," Miss Goldmark knew that "it needed immediate reinforcement. For, any time, Mr. Brandeis warned us, new cases might arise needing new defense."<sup>21</sup> In 1909, the Russell Sage Foundation granted the sum of \$2,500 to the National Consumers' League for an extended study of the literature on fatigue in relation to the number of working hours. During that winter, the new material was pressed into use in the defense of a new Illinois ten-hour law for women in a state supreme court case. Miss Goldmark has described the brief filed for the State of Illinois.<sup>22</sup>

Mr. Brandeis' brief again contained only a few pages of legal

<sup>19</sup> Goldmark, *Impatient Crusader*, p. 155.

<sup>20</sup> *The Outlook*, March 21, 1908, quoted in N. C. L. *Tenth Annual Report* (1909).

<sup>21</sup> Goldmark, *Impatient Crusader*, p. 160.

<sup>22</sup> *Ritchie v. Wayman*, 244 Ill. 509, 91 N.E. 695 (1910). The quotation is from Goldmark *op. cit.*, p. 161.

argument. But now we could make a better showing of the non-legal evidence which we had accumulated during the past year or more. We had the experience of British factory inspectors, year by year, reinforced by that of various Continental countries and of the British dominions. On pertinent subjects, such as the greater morbidity of working women, the effects of continuance at work during illness, the general nature of fatigue, the statistics of sickness insurance societies which existed in some foreign countries—on all these allied subjects we had an abundance of new evidence. The whole made up a volume of new evidence.

A victory in the Illinois case rewarded the diligence of Miss Goldmark and Mr. Brandeis as preparations for additional cases began.

The repeated needs of the League and the frequent demand from outsiders for basic health and social data led to the publication of a full-scale study of the problem by Josephine Goldmark. An extra grant by the Russell Sage Foundation assisted the appearance of *Fatigue and Efficiency*<sup>23</sup> in 1912. The first 302 pages of the book dealt with the nature of fatigue, physical overstrain in industry, and the regulation of the problem by legislation. This section also contained a history of labor laws and their defense in the courts. The second part of *Fatigue and Efficiency*, running to 591 pages and titled "The World's Experience Upon Which Legislation Limiting the Hours of Labor for Women Is Based," consisted of material contained in the first four briefs submitted to courts by Brandeis and Goldmark. Reliance on this compendium simplified the preparation of new legal briefs.

In presenting this sociological material to the courts, Louis Brandeis played a major role. His great mastery of the law was joined by his thorough devotion to the cause of the National Consumers' League in insisting upon decent standards of work for women and children. As an advocate before the Supreme Court, his heart and brain were together in providing a series of notable oral arguments. After Brandeis appeared in the first

<sup>23</sup> Josephine Goldmark, *Fatigue and Efficiency* (New York: Russell Sage Foundation, 1912).

Oregon minimum wage case in 1914, William Hitz, later a federal judge, wrote this: <sup>24</sup>

I have just heard Mr. Brandeis make one of the greatest arguments I have ever listened to. . . . The reception which he wrested from that citadel of the past was very moving and impressive to one who knows the Court. . . . When Brandeis began to speak, the Court showed all the inertia and elemental hostility which courts cherish for a new thought, or a new right, or even a new remedy for an old wrong, but he visibly lifted all this burden, and without orationizing or chewing the rag he reached them all and even held Pitney quiet.

He not only *reached* the Court but he *dwarfed the Court*, because it was clear that here stood a man who knew infinitely more, and who cared infinitely more, for the vital daily rights of the people than the men who sat there sworn to protect them. It was so clear that something had happened in the Court today that even Chas. Henry Butler saw it and he stopped me afterwards on the coldest corner in town to say that no man this winter had received such close attention from the Court as B. got today, while one of the oldest members of the clerk's office remarked to me 'that fellow Brandeis has got the impudence of the Devil to bring his socialism into the Supreme Court.'

In the 1920's, Mary W. Dewson took over from Josephine Goldmark the task of preparing the social and economic data for the briefs of the National Consumers' League. A graduate of Wellesley in 1897, Miss Dewson had done economic research for the Woman's Educational and Industrial Union in Boston around the turn of the century and, in 1911, had been secretary of the Commission on Minimum Wage Legislation for Massachusetts. Later chairman of the Women's division of the Democratic National Committee, Miss Dewson worked for the Consumers' League from 1920 to 1925.

In *Adkins v. Children's Hospital*,<sup>25</sup> Felix Frankfurter and Miss

<sup>24</sup> William Hitz to Felix Frankfurter, Dec. ?, 1914, handwritten copy, N. C. L. Papers.

<sup>25</sup> Frankfurter and Dewson prepared the brief in the case before the lower court in 1920. *Children's Hospital v. Adkins*, 284 Fed. 613 (D. C. A., 1922). That court's decision against them was sustained by the Supreme Court. *Adkins v. Children's Hospital*, 261 U. S. 525 (1923).

Dewson prepared the brief which the National Consumers' League provided for the Minimum Wage Commission of the District of Columbia. At a short meeting in New York, Frankfurter asked Miss Dewson to collect a great quantity of factual data supporting the reasonableness of the minimum wage law for women, which was under attack. Frankfurter believed that a bulky brief would by sheer size impress Chief Justice Taft. It apparently did. At any rate, the brief of 1,138 pages was the largest produced by the League; and Taft, in dissent, did adopt its position. Pressed by the deadline in February, 1923, Miss Dewson wrote Mrs. Kelley that "The *New Republic*, the *Nation*, the *Freeman* and the Russell Sage Foundation loaned us proof-readers. Our office force worked in the emergency at high speed and overtime typing citations and proof reading." Miss Dewson acknowledged that "the force was exhausted by their exertions," but showed her devotion to fair treatment of labor by arranging that "they should have twice the time off that they worked overtime."<sup>26</sup> The cost of printing the *Adkins* brief, nearly \$7,000, was paid by Mrs. Willard Straight, who had "paid in full *all* the cost of printing all the briefs" since 1908.<sup>27</sup> Miss Dewson has explained that while she prepared the sociological material, Frankfurter not only applied great care to the legal section of the brief but presented a masterly oral argument to the Supreme Court when the case was heard on March 14, 1923. Nevertheless, within a month the Court ruled the statute unconstitutional.

Following the loss of the *Adkins* case, an attempt was made to limit the influence of the Court's ruling so that it would not be applied to state minimum wage laws then on the books. Miss Dewson hurried to California to help the defense of the state law there. Before departing from the East, she was told by Frankfurter to remember that the precise ruling of the Supreme Court could not be challenged in the California courts. "If the Supreme Court says that a red rose is green," Frankfurter told her, "then it is green." Accordingly, Miss Dewson emphasized in a relatively short brief of one hundred pages, full of telling charts

<sup>26</sup> Mary W. Dewson to Florence Kelley, Feb. 10, 1923, N. C. L. Papers.

<sup>27</sup> Memorandum by Miss Dewson, March 22, 1923, N. C. L. Papers.



and statistics, that the California situation was totally different from that of the District of Columbia, because of the far greater number of women affected and the vastly different economic picture. Furthermore, the California law had been in active and successful operation for over ten years, while the District law invalidated in the *Adkins* decision had barely passed the initial period of fact-finding, with the process of fixing the minimum wage not started in industries employing some fourth of the women wage earners. The social and economic material prepared by Miss Dewson was introduced in the brief by a short legal preface written by Professor Frankfurter.

Events forced the National Consumers' League to file a separate brief in this case because when Miss Dewson arrived in California, she found the state attorney general distinctly uninterested in assistance. Through Katharine Philips Edson, executive secretary of the Industrial Welfare Commission of the State of California, Miss Dewson arranged to file the brief as *amici curiae* with six local organizations in support.<sup>28</sup> The case was dropped before it was reached for argument, and California continued to use its minimum wage law. Soon afterward, however, six minimum wage laws were declared unconstitutional on the basis of the *Adkins* decision.<sup>29</sup>

### *Working With State Attorneys General*

Normally the legal defense of labor legislation by Brandeis and Frankfurter under the auspices of the National Consumers' League, was conducted at the invitation of a state's attorney general. Brandeis made this stipulation to Josephine Goldmark and Florence Kelley when they first asked him to help in the defense of the Oregon ten-hour law for women in the autumn of 1907. He would not consider the alternative of entering a case as a friend of the court because "the status of appearing as an official participant on behalf of the state seemed to him an important element of strength for the defense."<sup>30</sup> This meant that as

<sup>28</sup> *Gainer v. Dohrman*, California, S.F. No. 10, 990, Sup. Ct. Calif. (1924).

<sup>29</sup> For a discussion of the aftermath, see Elizabeth Brandeis, *Labor Legislation*, p. 505.

<sup>30</sup> Goldmark, *Impatient Crusader*, p. 163.

far as a court knew, Brandeis, listed as "Of Counsel" on the brief, was a paid attorney of the State rather than a volunteer from the National Consumers' League. After the first case, in which she was not listed, Josephine Goldmark and later Mary Dewson, neither of whom was a lawyer, appeared on the basis of the briefs to have played the same role.

Through the years the League's relationships with state attorneys general varied considerably. In 1907, Mrs. Kelley and Miss Goldmark first recognized the importance of this factor when the attorney general of New York failed to provide for the adequate defense of a night-work statute. An office memorandum written in anger by Mrs. Kelley shows her understanding of the importance of competent legal argument.<sup>31</sup>

Attorney General Mayer promised repeatedly to get this case upon the calendar *before* the election. He failed to keep his promise, and it came up *the day after election*. No representative of the Attorney General's office was present in court. The defendants moved to submit. The people were thus deprived of their right to have the case argued. There has been no argument on this extraordinarily important case, before the appellate division.

This is of great importance, because the decision is not unanimous. It is due to the vote of some of the judges, three to two. A careful and learned argument on the law of the matter, might well have won over one or two,—*or even all*—of the adverse judges, to the view that the public health is involved in night work by young boys and young women.

There was *no* presentation of the *law* of the case. The brief was prepared—for the People—by the *Third Assistant Attorney General*. In its original form it was a disgraceful exhibition of ignorance of the law on the subject. It referred to a statute as in force which was repealed three years ago,—the so-called 'Fifty-Five Hour Law' of New Jersey. No allusion was made to the valuable recent decision of the Supreme Court of Oregon, sustaining a law similar to the New York law.

After these flaws were pointed out to the Third Assistant and to Attorney General Mayer, there remained still a brief without any law in it; and the case having been decided without argument, the Appellate Division is in the position of having had from the

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<sup>31</sup> Memorandum by Mrs. Kelley, Nov. 2, 1906, N. C. L. Papers.

Attorney General none of the aid to which it is entitled in arriving at every decision affecting the rights and the well-being of the People.

After *Muller v. Oregon*, in which the assistance of Louis Brandeis was obtained for the state by the National Consumers' League, there were more calls for help than could be answered. In 1911, Brandeis was besieged to lend his talents to the defense of Ohio labor legislation. From Cleveland the secretary of the Ohio State Federation of Labor, Harry D. Thomas, asked Brandeis to file a brief for them in a fifty-four hour law case.<sup>32</sup>

. . . I wrote the Attorney General asking him to correspond with you on this matter. I realize that you are a busy man, more so than anyone else probably, but the constitutionality of these labor laws is a matter that effects the welfare of the whole people of this Country and your experience in testing their legality goes further probably than any other attorney in the Country on matters of this kind. This is the reason why we seek your advice and are willing to pay for it.

Brandeis was indeed too busy, and he declined to serve for that reason. He did note the suggestion of paying for his services and replied, "The matter is of such a nature that I should be unwilling to accept any compensation if it were possible for me to act at all."<sup>33</sup> Soon afterwards Attorney General Timothy Hogan sought the assistance of Brandeis for the defense of the Ohio Workmen's Compensation Act. Hogan explained that "the oral argument will be a very important feature of the case, and I am extremely anxious that you be with us."<sup>34</sup>

It should be noted that the state labor federation and the Consumers' League acted in response to efforts of business organizations to have this legislation invalidated by the courts. Accordingly, Brandeis was told by Thomas that the fight on the Workmen's Compensation Act "is being put up by the Liability Cos., and they have engaged the best legal talent that they can get hold of

<sup>32</sup> Harry D. Thomas to Louis D. Brandeis, Nov. 1, 1911, Louis D. Brandeis Papers, University of Louisville Law School.

<sup>33</sup> Brandeis to Thomas, Nov. 4, 1911, *ibid.*

<sup>34</sup> Timothy Hogan to Brandeis, Dec. 1, 1911, *ibid.*

in this section and some from outside the State in preparing their briefs and for making their oral arguments against the Act."<sup>35</sup> When Attorney General Hogan, in seeking help from Brandeis, told him that "those opposed to the act are to be represented by counsel other than defendant's counsel," he added this observation:<sup>36</sup>

The defendant's counsel will be satisfied with presenting in a very fair way reasons why the act is unconstitutional, but the other counsel will leave nothing undone in the way of argument to successfully assail the constitutionality of the act. I do not mean to say they will do anything improper, but the idea I wish to convey is that they are, in my judgment, very much opposed to the bill and being men of a very high order of ability, they will present every possible reason against its constitutionality.

This correspondence is incomplete. Brandeis finally did file a brief in the hour case and then appeared to argue the case in the United States Supreme Court after receiving this further request from Thomas:<sup>37</sup>

... The Ohio Manufacturers' Association has come out with another statement saying that they will carry the case to the United States Supreme Court to define what occupations come under the provisions of such a law. I don't know just how soon they expect to take this matter up, but I thought it best to notify you on time, so that you may get prepared to help us fight our battles in Washington.

Finally, the problem of insuring strong defense for a statute in jeopardy is illustrated by the efforts of the National Consumers' League in 1923 to persuade New York's Attorney General to file an *amicus curiae* brief supporting the Federal Maternity Act,<sup>38</sup> then under attack by Massachusetts in an original case in the United States Supreme Court. Florence Kelley and the League had worked for the passage of the Act in 1921 with representatives

<sup>35</sup> Thomas to Brandeis, Dec. 5, 1911, *ibid.*

<sup>36</sup> Hogan to Brandeis, Dec. 1, 1911, *ibid.*

<sup>37</sup> Thomas to Brandeis, Feb. 1, 1912, *ibid.* *Ex parte Hawley*, 85 Ohio 495, 98 N.E. 1126 (1911), *affirmed*, *Hawley v. Walker*, 232 U.S. 718 (1914).

<sup>38</sup> Maternity Act of Nov. 23, 1921, c. 135, 42 Stat. 224.

of the League of Women Voters, the National Child Welfare Association, and other groups.

This alliance, known as the United Organization for the Sheppard-Towner Maternity and Infancy Bill, held together after enactment in order to encourage New York State to take advantage of the Act's generous federal aid provisions. This part of their program was also successful. In the meantime, the Maternity Act was attacked as unconstitutional in two court cases, *Massachusetts v. Mellon* and *Frothingham v. Mellon*.<sup>39</sup> Solicitor General James Beck carried the defense of the Act, but an effort was made to have a number of states answer the attack of Massachusetts with one or more *amicus* briefs. The minutes of a meeting of the United Organization suggest the range of political stratagems that may be used to gain the support of a state's attorney general in a Supreme Court case:<sup>40</sup>

Mrs. Kelley said when she had approached Attorney General Sherman asking him to prepare his brief for the Sheppard-Towner Act, he said he was too busy but would have one prepared in his office. Later, March 6th Mr. Griffin, Attorney General's deputy wrote Mrs. Kelley, saying the policy of the office had not been decided—the administration was not called upon to defend federal aid bills. Mrs. Kelley felt letters sent from the office were not the expression of the Attorney General's opinion, but those of Mr. Griffin; therefore, she wrote a letter to Governor Smith, asking his aid to persuade the Attorney General to prepare the brief, or to give definite instructions to have it prepared in his office. Mrs. Kelley asked an opinion from the meeting as to the advisability of sending her letter to Governor Smith. It was the unanimous opinion of the meeting that Mrs. Kelley should send the letter she had written to Governor Smith, and should take any further steps she thought necessary in the matter. It was moved, seconded and carried to ask Mrs. Frederick S. Greene of Albany to take copies of Mr. Griffin's letters, also Mrs. Kelley's to Governor Smith, to the Attorney General, personally, in order there may be no doubts that the Attorney General has full knowledge of this situation.

In conclusion to this it was decided to ask all people who had

<sup>39</sup> 262 U.S. 447 (1923).

<sup>40</sup> *United Organization Bulletin*, March 13, 1923, N.C.L. Papers.

any point of contact with any lawyers in Buffalo, the home city of the Attorney General, to ask these lawyers to bring pressure to bear in regard to the preparation of the brief.

The Attorney General of New York refused to cooperate with an *amicus* brief. But how can the influence of the Consumers' League be fairly estimated when at the same time the Solicitor General's office in Washington sought help in preparing the main brief? Asking for a copy of the *Adkins* brief written by Frankfurter and Dewson, the attorney in Washington explained that he was "particularly interested in Mr. Frankfurter's brief" because he was then "engaged in the preparation of a brief for the Federal Government in the Supreme Court supporting the constitutionality of the welfare legislation known as the Sheppard-Towner Maternity Act."<sup>41</sup>

#### *Legal Work and Publicity*

As successive cases were dealt with in the courts, the League distributed its legal briefs to a wide audience. At the very beginning it was found that "the brief has attracted very wide attention; there is demand for it from lawyers, economists, college professors and publicists."<sup>42</sup> In the 1910 Illinois case, a special fund of \$2,500 was raised to meet the expense of printing a large edition of the brief. "This brief then was available as ammunition whenever danger threatened the now rapidly increasing legislation regulating women's hours of labor."<sup>43</sup> In one year this brief was used to defend laws by state attorneys in Virginia, Michigan, and Louisiana. The impact of the Brandeis-Consumers' League technique on the preparation of briefs would be difficult to estimate.

The concept of publicity held by the National Consumers' League was not a narrow one restricted to assisting lawyers defending labor legislation. Rather the League's public relations

<sup>41</sup> Robert P. Reeder to National Consumers' League, March 16, 1923, N. C. L. Papers. Reeder was on the brief with the Solicitor General. *Massachusetts v. Mellon*, 262 U. S. 447, 448 (1923).

<sup>42</sup> N. C. L. *Tenth Annual Report* (1909).

<sup>43</sup> N. C. L. *Twelfth Annual Report* (1911).

approach was calculated to educate future opinion makers. Since a bulky sociological brief was a document of primary interest to the academic world, the League worked hard to bring its message in this long form to the attention of colleges and universities. In 1917, for example, Josephine Goldmark, then chairman of the committee on publications, reported the following:<sup>44</sup>

By means of the generous gift of \$5,000 from a friend interested in the defense of labor legislation, an edition of 4,000 copies of the Bunting brief was printed, a book of about 1,000 pages, in two volumes. This brief under the title of the 'Case for the Shorter Work Day' has been widely distributed. The aim has been particularly to reach students in law schools and colleges, and a gratifying response has followed the offer to send these volumes for educational purposes. Law schools and economics departments of colleges throughout the country have asked for large numbers of the brief. From England, too, repeated inquiry has come for this publication, so that its gospel has been widespread.

The brief prepared in the *Bunting* case was distributed to 462 law schools, colleges, and libraries in forty-five states and was sent to 717 individuals as well.

While the distribution of briefs was a major part of the League's publicity program, annual report, flyers, and leaflets such as "The National Consumers' League, First Quarter Century" and "Thirty-five Years of Crusading, 1899-1935" were widely circulated. Scholarly articles were sometimes reprinted at League expense.<sup>45</sup> In 1925, the American Fund for Public Service paid for the publication of a collection of articles on the *Adkins* case, compiled by the Consumers' League and published by the *New Republic*.<sup>46</sup> The book was then given wide distribution by the League.

<sup>44</sup> N. C. L. *Seventeenth Annual Report* (1917).

<sup>45</sup> For example, Thomas Reed Powell, "The Oregon Minimum-Wage Cases," reprinted from *Political Science Quarterly*, XXXII (June, 1917), 296-311.

<sup>46</sup> National Consumers' League, *The Supreme Court and Minimum Wage Legislation*; Introduction by Roscoe Pound (New York: New Republic, Inc., 1925).



## IV. CONCLUSION

The record of the National Consumers' League in working for its goals of improved labor standards offers an example of the range of activity and the degree of improvisation demanded of an organization agitating for change through the maze of government in the American federal system. In order to gain its ends the League was forced into the legislative, administrative, litigious and constituent processes at both state and national levels. The activities of the League, especially those from 1908 to 1938, when many of its initial goals had been achieved, make up a veritable model of the strategies available to an interest group in modern America.

Organizations such as the National Consumers' League, which do not serve their own members but rather work for the protection of others, constitute perhaps a distinct category in American politics. Some might argue that the key to their success was the rightness of a cause, but the political resources of the Consumers' League were also impeccable. With its strong appeal to philanthropy, the League gained adequate financial support. This same appeal drew to its leadership a small but remarkable group of devoted people endowed with intellect, energy and resourcefulness. It is these strengths which appear to account for the development of the strategy, especially in manipulating the Brandeis Brief, which was the hallmark of the Consumers' League.

This organization's interest in the outcome of court cases illuminates the political position of the state attorney general, for any number of things may influence the performance of his duty to enforce the statutes of his state and to defend their constitutionality when challenged. His own political philosophy, party, factional, or group affiliations may interfere. As likely as not, he may lack time, funds, or an adequate staff to do the job properly. Under these circumstances, anyone concerned for the defense of legislation in the courts does well to see that the attorney general is ready, willing and able to do the job. It seems safe to assume that other organizations have had to deal with this necessity.

National Consumers' League experience in Supreme Court cases suggests reasons why organized interest groups may quite commonly become involved in litigation. The League had a high stake in the legal defense of protective labor legislation. It was so high as compared to the state attorneys general that the League regularly volunteered to take over the main responsibility in preparing legal briefs. The League was organized for sustained action in the defense of labor laws. It also had the intellectual leadership, political skill, legal talent and financial resources necessary for success. Formidable equipment is apparently essential for an organization actively concerned with winning constitutional cases.

## *Party Activism in Wisconsin\**

THIS STUDY is focussed on a kind of political activism still often unfamiliar in the United States. It is the largely non-patronage organization of a regularized, often dues-paying, mass membership. Such an organization is meant to be different from the skeletal party, whose form is prescribed by statute and whose members consist mainly of the few who themselves aspire to public offices or public spoils.<sup>1</sup> Wisconsin's new-model parties, the subject of this research report, result from efforts, now being made elsewhere as well,<sup>2</sup> to recruit the larger number of committed partisans into permanent organizations useful for campaign activity.<sup>3</sup> If successful, such efforts might lead toward the type of party system which theorists have often thought necessary to the proper working of a democratic political order—that is, a system in which each party stands for the principles of a numerous, organized and committed membership. Whether this goal is realiz-

\* Research on this subject was part of a larger project on political recruitment supported by a grant from the Social Science Research Council.

<sup>1</sup> "Often party is in a sense a fiction." V. O. Key, Jr., *American State Politics* (New York: Knopf, 1956), p. 271. Wisconsin parties ought also to be distinguished, though in a different way, from the quite substantial old-style organizations described so thoroughly by Roy V. Peel, *The Political Clubs of New York City* (New York: Putnam's, 1935).

<sup>2</sup> Similar organizations in California are briefly described by Currin V. Shields, "A Note on Party Organization: The Democrats in California," *Western Political Quarterly*, VII (1954), 673-84, and by Hugh Bone, "New Party Associations in the West," *American Political Science Review*, XLV (1951), 1115-25. Among others, the Michigan parties are also similar, and in the past there have been dues-paying third parties, socialist and farmer-labor, in the United States.

<sup>3</sup> Customarily few committed partisans actually engage in campaign work, and in a recent Detroit study it was found that fewer than 20 per cent of even the hard-core of each party's voters were thus engaged. Samuel J. Eldersveld, *Party Affiliation in Metropolitan Detroit* (Ann Arbor: University of Michigan Bureau of Government, 1957), p. 157.

able may be doubted, and certainly no answer to the question can now be offered. What can be done is to report some tentative findings about the nature of Wisconsin party activism in an attempt to contribute in a small way to the body of empirical knowledge essential to the eventual construction of a valid theory of political parties.

Attention is fixed on a relatively few features of party activism, particularly of local leadership, which could also be studied in other states. The general characteristics of Wisconsin parties have already been described in an account of their development and in an article comparing them to British parties.<sup>4</sup> All that is needed here, before describing the method and then the findings of the current research, is the briefest summary of relevant aspects of Wisconsin's political culture:

- (1) postwar development of a two-party system after several decades of competition, usually ideological, between progressives and regular Republicans;

- (2) maintenance through 1956 of a Republican majority in state-wide contests, but with Democratic majorities in Milwaukee (by far the largest urban area) and in certain other urban counties;

- (3) a state civil service of long-standing, and very little patronage;

- (4) development of party activity in the form of extra-legal organizations superseding the stringently regulated statutory parties for most practical campaign purposes;

- (5) an open primary for all offices since 1906, accompanied by a strong tradition of independent and personal candidacies.

Unhappily for those of us who seek to generalize about party activity, the data we gather are products of such particular environmental circumstances as well as of political behavior in its general aspects. However, these circumstances are not listed in order to emphasize the special or the unique, but rather to facilitate meaningful comparisons with other states where some if not all of the same conditions may be replicated.

<sup>4</sup>Frank J. Sorauf, "Extra-Legal Political Parties in Wisconsin," *American Political Science Review*, XLVIII (1954), 692-704, and Leon D. Epstein, "American Parties: A Wisconsin Case-Study," *Political Studies*, IV (1956), 30-45.

## I. METHODS AND HYPOTHESES

Although more than one method has been used, a large portion of the data derives from mail questionnaires sent early in 1957 to local party officers. Altogether 439 party officers received questionnaires, and these included Republican and Democratic chairmen and secretaries in almost all of the state's 71 counties, the chairmen and a county council delegate from the active ward and suburban units of the Milwaukee county parties, and the presidents of Women's Republican clubs (which admittedly are different from, though affiliated to, the regular party units). Of the 439 officers, 338 returned the questionnaires. The percentage returned was particularly high among officers of the regular county organizations. Only the Milwaukee ward and suburban officers show less than a three-quarters return, but here the original mailing was large enough so that most active units are represented in the tabulation. Questions were asked about the unit organizations as well as about the officers themselves, with respect to biographical information and a few political attitudes.

Of at least equal importance, even if not referred to as frequently as the questionnaire data, is more detailed material on the same subjects gathered by interview and observation. The politics of five counties, chosen for their representativeness in terms of wealth, urban-rural division, and degree of party competition, were studied by interviewing party officers, other activists, legislative representatives, and journalists. In a few additional counties, including Milwaukee, less systematic interviewing was done on particular subjects. State party headquarters personnel were also interviewed, and state conventions attended in addition to county and ward meetings. Questionnaires submitted to legislators on another project are also used here.

Specifically this study seeks to test certain hypotheses about the activism of voluntary, non-patronage parties. A serious limitation is that many findings apply directly only to party officers, who are only one kind, and in some respects perhaps a distinct kind,

of party activist.<sup>5</sup> The hypotheses, to which this modest study provides only inconclusive answers, follow:

- 1) Large and highly organized memberships tend to coincide with urban and suburban middle-class communities.<sup>6</sup>
- 2) Activists, as reflected by their leadership, are oriented mainly to national and state politics, rather than to local politics.
- 3) Party recruitment of officers reflects particular "political generations."
- 4) Republican leaders are drawn more heavily from high-status occupations than are Democratic leaders.
- 5) Competition for local party offices tends to be slight.
- 6) Party leadership is differentiated from candidacy for elective public office.
- 7) Party organizations play a limited part with respect to the selection of candidates, especially at the local level.

## II. FINDINGS

### 1. *Membership.*

Ascertaining the number of party members is often difficult. For Wisconsin Democrats, however, the task is simplified by the existence of a state-wide dues-paying arrangement which, while the \$2 dues are paid through county or ward units, gives the state headquarters an accurate count of unit memberships. Republican practice is more permissive; a growing number of county units have dues-paying memberships, but many others count as "members" those who make contributions, attend meetings, or simply appear on a mailing list. Common to both parties is a wide fluctuation, from year to year, in the membership of some units, although there is an upward trend in the state as a whole. The general order of magnitude is conveyed by the figure of 10,000 dues-paying state Democrats in 1956, and by the figures of 8500 dues-paying Republicans in Milwaukee county and of 1000 in another smaller urban county in 1955.

In the Republican case, the large dues-paying units are almost

<sup>5</sup> An important study of rank-and-file activists, in a single Wisconsin county, is being conducted by Mr. Sol Tannenbaum, a graduate student in sociology at the University of Wisconsin.

<sup>6</sup> "Middle-class" is used in the loose and usual sense to mean that part of the urban community which is distinguished from the manual working-class by occupation and residential housing values.

entirely urban county phenomena. Republican officers in several rural counties list between 100 and 300 members, but field inquiry in three such counties revealed that these organizations, while probably able to mobilize several hundred, did not in fact do so on any fixed basis. The organizations in these instances resemble the skeletal pattern usual enough in the United States, and they remain typical of much (though not all) of rural Republicanism in Wisconsin. As a former state Republican leader has said, a state-wide dues-paying arrangement would be resented by rural and traditional Republicans unaccustomed to having their affiliation formalized. On the positive side, the largest Milwaukee county Republican unit, and in fact the largest in the state, has over 2300 dues-payers in a suburban district with a total population of a fairly small county. The next largest Milwaukee Republican units are also in suburban districts or in upper-income city wards; organizations are small or almost non-existent in working-class sections of the city. Elsewhere in the state, Republican units, including the women's clubs, tend to be relatively large in most counties having cities over 20,000, which provide sizable middle-class populations for party recruitment.

The dues-paying Democratic membership is also mainly but not entirely urban. Although Democratic-voting Milwaukee's total of 2500 members is not large in relation to that county's population, most of the party's sizable and active units are in an urban environment. Only a few counties that are heavily farm or small-town in character have substantial organizations. The Democratic pattern also resembles the Republican in that membership often appears to be concentrated in middle-class residential areas. This is particularly striking in the state's second largest county, containing the capitol and the university, where there is a Democratic membership of over 1000 located mostly in the Republican voting side of the principal city rather than in Democratic-voting farm and working-class districts. Here as elsewhere there is an occasionally successful drive to sell memberships to union workers, but except for a few union leaders the year-to-year activists are mainly middle-class intellectuals. Consistent with this situation in a single county is the fact that state-wide Democratic membership



does not generally coincide with Democratic voting strength. Thus the top 11 counties in their 1956 Democratic membership (expressed as a percentage of total votes in each county) ranked very differently on the basis of Democratic percentages of the 1956 gubernatorial vote; specifically, 2, 5, 13, 61, 36, 4, 45, 23, 26, 6 and 40.

Since an important object of large dues-paying organizations is to manage local get-out-the-vote campaigns, it is to the disadvantage of the Democrats to have their membership concentrated in middle-class areas rather than in industrial sections which are reservoirs of Democratic votes. Interestingly it is in some of Milwaukee's industrial wards that membership remains not only small and largely inactive, but patronage-oriented around the minor rewards of polling booth jobs in a way untypical of the state. On the other hand, Republicans do seem most highly organized in their own voting strongholds, at least within urban communities. The large and active Republican membership in predominantly Republican suburbs and medium-sized cities is, of course, at odds with any notion that a *local* two-party competitive environment is necessary to stimulate organizational activity. On the contrary, it is the very sureness of the local Republican majorities that stimulates party leaders to build an organization capable of bringing out as many votes as possible to raise Republican totals in competitive state-wide and Congressional elections.<sup>7</sup>

## 2. *National and state orientations.*

The last observation indicates a membership oriented about national and state rather than local elections. The simplest way to check this point, it would seem, was to ask local party officers

<sup>7</sup> A leading example is provided by the large and highly effective Republican organization in what is historically the state's most Republican county, where no offices at the county level are seriously contested by Democrats and where the Republican presidential and gubernatorial percentages stand at about 70 per cent. Naturally Republican activists feel that their national and state candidates will benefit by a large turn-out when 7 out of 10 voters are likely to vote Republican. Interestingly there is also an active though less numerous Democratic club in this county, and it is devoted to the still utopian goal of raising to 40 per cent the county vote polled by its state-wide candidates.

the elections and issues with which they were most concerned, but it turned out that many party officers were reluctant to commit themselves (more so in mail questionnaires than in selected interviewing). When asked to choose an election they usually most wanted their party candidate to win, officers often checked all or most of the items: President, Governor, U. S. Senator, U. S. Representative, state legislator, and county courthouse office. Similarly with respect to national, state and county issues, more than one item was often checked. Systematic tabular presentation is therefore difficult. Of approximately 200 (of the 338 respondents) who did express an election preference, over half checked the presidential election, the next largest the governorship, and the fewest state legislative and courthouse positions. On issues, the indications of interest were similar, and these data, based on the 338 questionnaires,<sup>\*</sup> may be simply presented:

National issues: 178

State issues: 129

County issues: 27

Indefinite: 73

There is no significant difference between competitive counties and heavily one-party counties, or between urban and rural counties. Also it is especially worth noting that Republican and Democratic preferences were about the same, contrary to the expectation that Republicans, entrenched in most Wisconsin courthouses, would be more concerned with county affairs than the Democrats. Evidently most local Republican Party officers are set apart from career-oriented county courthouse occupants. Much of what interest party leaders did express in county elections appears, from interviews and marginal comments on questionnaires, to derive from an importance attached to having able local candidates as a means of strengthening state and national tickets.

Further information on the interests of party officers is provided in the tabulation of those attending party conventions (Table 1).

<sup>\*</sup> Although there are only 338 questionnaires, the total number of answers here is 407 because of a double-count of those questionnaires on which two of the three choices (national, state and local) were checked. (When all three were checked, the questionnaires are counted as indefinite.)

TABLE 1  
*Party Officers who have been Delegates or Alternates at Party Conventions*  
 (Per Cent)

Delegate or alternate	Republican officers					Democratic officers				Total: Rep. & Dem.
	Country chairmen	Country secs.	Women's leaders	Milw. officers	Total	Country chairmen	Country secs.	Milw. officers	Total	
	(N = 64)	(N = 58)	(N = 39)	(N = 22)	(N = 183)	(N = 64)	(N = 65)	(N = 26)	(N = 155)	(N = 338)
State conventions										
Yes	100.0	94.8	87.2	100.0	95.6	95.3	89.2	69.2	88.4	92.3
No	0.0	5.2	12.8	0.0	4.4	4.7	10.8	30.8	11.6	7.7
Indefinite	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
National conventions										
Yes	21.9	1.7	33.3	4.5	15.8	20.3	12.3	15.4	16.1	16.0
No	76.6	98.3	64.1	90.9	82.5	78.1	87.7	84.6	83.2	82.8
Indefinite	1.6	0.0	2.6	4.5	1.6	1.6	0.0	0.0	0.6	1.2
Total	100.1	100.0	100.0	99.9	99.9	100.0	100.0	100.0	99.9	100.0

While the almost complete turnout for annual state conventions might have been assumed, the number attending national conventions is significantly high, especially for county chairmen and Women's Republican club presidents, when it is appreciated how few delegates and alternates there can be from a state in any generation. It is fair to assume that the percentage of rank-and-file members attending national conventions would be much smaller than it is for county leaders, but this may not hold in the same degree for state conventions, which are highly social occasions, especially for married couples.

In stressing the national and state orientation of party activists, it is realized that a general concern with issues has been assumed, and that this assumption might seem to run counter to recent findings in the Detroit metropolitan area concerning the political preferences of those who consider themselves Republicans or Democrats. Specifically it was found there that regular party adherents were likely to perceive the differences between the two parties in various terms other than issues.<sup>9</sup> Nothing in the present study challenges this Detroit finding, but because data here are drawn only from actual party members, and mainly from party leaders, it is entirely possible that issues play a greater part than they did among Detroit party adherents who were so classified by their voting regularity and self-identification as Republicans or Democrats.

### 3. *Political generations.*

The concept of political generations might be especially fruitful in an analysis of party activists whose motivation is strongly suspected to relate to issues. If it could be shown that substantial numbers joined because of particular issues at particular times (i. e., New Deal Democrats, McCarthyites, or Eisenhower Republicans), not only would there be strong support for the issue-motivation theory, but also there would be a great deal more knowledge about the general nature of parties. No such definite findings can be reported here, and indeed it would seem difficult to do so without employment of systematic interviewing of a

<sup>9</sup> Eldersveld, *op. cit.*, p. 127.

carefully selected sample of party activists. The limited data of the mail questionnaires (Table 2) are only suggestive.

TABLE 2  
*Median Years of Party Membership and of Active Party Work*

Party Officers	Party Members		Party Workers	
	N	Median yrs.	N	Median yrs.
<b>Republicans</b>				
County chairmen	62	21	62	16.5
County secretaries	54	12	58	10
Women's club presidents	39	20	38	8
Milwaukee unit officers	22	10.5	22	10
<b>Democrats</b>				
County chairmen	62	10	62	7
County secretaries	63	10	63	6
Milwaukee unit officers	26	8	26	7

It may be seen from Table 2 that the median years of both party membership and party activity are markedly higher for Republicans than for Democrats, particularly among county chairmen. Since membership is an elusive conception when and where dues-paying has not been instituted, the number of years as an active party worker provides a more reliable basis for comparison. Closer analysis of the answers to this item reveals an interesting bi-modal distribution of Republican county chairmen, about a quarter of whom have been active 6 to 10 years and another quarter 16 to 20 years. On the other hand, about two thirds of the Democratic county chairmen fall in the two lowest brackets (that is, one to ten years). Thus Republican leadership, while of older party service on the average than the Democratic, is not uniformly so since much of its recruitment has also been in the postwar decade—the decade, that is, of both McCarthy and Eisenhower. Among the Democrats, the low median and the low mode are clear reflections of the party's postwar character as an active organization in Wisconsin, and thus of the generation of New

Dealers, Fair Dealers and ex-Progressives who entered that organization.<sup>10</sup>

Impressionistic observation of state conventions has some bearing on the political generations represented. Republican activists, in their resolutions during the 1950's, have shown particular antagonism to internationalist foreign policy and accordingly enthusiastic support for the Bricker Amendment. In their attitude toward candidates, Republican state conventions have preferred domestic conservatives, critics of foreign aid, and Joseph McCarthy at least until his last few years. It is not clear whether these stands represent the pre-1940 generation of activists (that is, the 16 to 20 year men) or a more recently recruited neo-isolationist generation (or both), but it is evident that an Eisenhower generation is not dominant. Such a generation, if recruited, especially in the suburbs, since 1952, is not yet heavily represented at the leadership levels. On the Democratic side, the New Deal-Fair Deal ideology has been generally accepted along with the internationalism of the 1940's, and the dominance of the Roosevelt-Truman generation is unquestioned at party conventions.

#### 4. *Occupational status.*

Data on occupations of party officers are shown in detail in Table 3. The preponderance of professional and business-managerial classes is especially apparent when the housewife category is temporarily ignored. The percentages of manual workers, sales-clerical personnel and farmers are generally low, and particularly low when Republican officers are considered alone. Applying these generalizations about party officers to all party activists is obviously risky. However, observation of several county and ward units leads one to believe that the officers are representative of their memberships in terms of broad occupational status, and the previously described location of the larger memberships in middle-class urban neighborhoods is also relevant.

<sup>10</sup> That fewer years of party membership and party service mean that Democrats are also younger than Republicans is indicated but not established. Only for the Milwaukee unit officers were data obtained on age. These data did show that the Democratic officers were about as many years younger in age as in party membership and activity.

Occupations of Party Officers  
(Per Cent)

Occupation	Republican officers				Total (N = 183)	Democratic officers				Total (N = 155)	Total: Rep. & Dem. (N = 338)
	Country chairmen (N = 64)	Country secs. (N = 58)	Women's leaders (N = 39)	Milw. officers (N = 22)		Country chairmen (N = 64)	Country secs. (N = 65)	Milw. officers (N = 26)			
Lawyer	29.7	19.0	0.0	18.2	18.6	18.8	9.2	19.2	14.8	16.9	
Teacher	3.1	5.2	5.1	4.5	4.4	4.7	4.6	3.8	4.5	4.4	
Other profession	9.4	10.3	7.7	9.1	9.3	1.6	0.0	3.8	1.3	5.6	
Business-managerial	45.3	19.0	5.1	22.7	25.7	17.2	12.3	3.8	12.9	19.8	
Farmer	3.1	3.4	0.0	0.0	2.2	15.6	7.7	0.0	9.7	5.6	
Sales-clerical	4.7	6.9	10.3	36.4	10.4	7.8	16.9	26.9	14.8	12.4	
Manual worker	0.0	3.4	0.0	9.1	2.2	23.4	16.9	26.9	21.3	10.9	
Local gov't official	0.0	13.8	0.0	0.0	4.4	1.6	3.1	3.8	2.6	3.6	
Retired	3.1	1.7	2.6	0.0	2.2	3.1	4.6	0.0	3.2	2.7	
Housewife	0.0	17.2	69.2	0.0	20.2	4.7	23.1	11.5	13.5	17.2	
Indefinite	1.6	0.0	0.0	0.0	0.5	1.6	1.5	0.0	1.3	0.9	
Total	100.0	99.9	100.0	100.0	100.1	100.1	99.9	99.7	99.9	100.0	



Along with the housewife category, women officers in general deserve some special comment because they are so numerous not only in the case of Women's Republican clubs but also among secretaries of both parties, particularly of the Democrats. In the latter instance, 31 of the 65 secretaries are women, fewer than half of whom are housewives. In both parties, women tend to be unit secretaries more frequently in urban than in rural counties. Nevertheless, even where numerous, the number of women holding party office probably understates the degree of activism by women. Male chairmen interviewed in selected counties have readily granted that women—especially wives of business and professional men—do most of the party's get-out-the-vote work. In this respect the Republican women, though in their own club, act much as the Democratic women do within the regular county organization.

The larger percentage of high-status occupations among Republican than among Democratic officers is an obvious feature of Table 3. Notably in the case of county chairmen, over twice as many Republicans are business or professional men. The difference between Republican and Democratic unit officers in Milwaukee is not so sharp, no doubt because there are many wards in which business and professional residents are scarce for both parties. Still here, as elsewhere in urban areas, there is a higher Democratic percentage of manual workers, just as there are more farmers among Democratic officers in rural areas. Incidentally it should be noted that the fairly numerous local government officials among Republican secretaries are found mainly in rural counties where the party organization is not large or highly developed. However, with respect to the generalization that Republican officers are drawn more heavily than Democrats from business and professional classes, there is no substantial difference between urban and rural counties, or between competitive and one-party Republican counties.<sup>11</sup>

While this general difference between Republican and Demo-

<sup>11</sup> "One-party Republican" refers to any county in which the Republican vote for governor was 55 per cent or more in the peak Democratic year of 1954 and in which all legislators elected in 1954 and 1956 by voters of the given county were Republicans.

cratic officers is large enough to be significant, it is not nearly so marked as the occupational difference that has elsewhere been shown to exist between Republican and Democratic voting adherents.<sup>12</sup> It may thus be more important to note that many Democratic officers are business and professional men, rather than to emphasize how few they are relative to the number among Republican officers. Further reason for this emphasis is found in the observation that the larger and more active Democratic units seem, like the Republican, to have a leadership as well as a membership drawn from higher-status occupations. The weaker units, on the other hand, are thought by state Democratic officials to be weak partly because they lack such leadership. This is applied to working-class units in Milwaukee (where, however, union personnel occasionally supply some intellectual leadership) and particularly to units in one-party Republican counties, where there is hardly any business or professional talent available to the Democrats.<sup>13</sup>

##### 5. *Competition for local party offices.*

In these non-patronage organizations which seem so far to be largely service units for state and national candidates, local party offices might be regarded as unwelcome burdens. In that case, contests for such offices should be decidedly exceptional, and the duties of chairman and secretary annually passed around from one reluctant volunteer to another. Situations of this sort have been observed, but that they are usual is less than half-supported by answers from county unit heads to the question, "In 1956 or 1957 has there been a contest for any office in your local party organization?" Contests were reported in 39 per cent of the

<sup>12</sup> For example, in Eldersveld's Detroit study of even the hard core of partisan followers, almost three-fifths of the Republican followers but only three per cent of the Democrats came from professional and business-managerial classes. *Op. cit.*, p. 158.

<sup>13</sup> In many of Wisconsin's villages and cities below about 20,000 population, the Democrats lack leaders for the reasons given by Key in his discussion of northern states in general: "Well-connected lawyers, businessmen with time and money to devote to politics, and, perhaps to a lesser extent, persons with skill in professional politics gravitate in greater degree to the Republican party than to the Democratic." *Op. cit.*, p. 257.

Republican county organizations, 46 per cent of the Women's Republican clubs, and 59 per cent of the Democratic county organizations.<sup>14</sup> No significantly different pattern emerged in urban as distinct from rural counties, or in competitive as opposed to one-party counties. The fairly frequent contests might conceivably result from long-range ambitions for political careers, from factionalism, or simply from the desire of the volunteer activist to gain the additional psychic income that goes with party leadership in the cause to which he is devoted. Local officers do receive some public recognition; for example, in 1957 the new Republican governor entertained his party's county chairmen at a reception at the executive mansion.

6. *Roles of leaders and candidates.*

Although many potential candidates for public office, it may be observed, do become members and more or less active in the organizational cause, it is plain that they could not very well constitute any large proportion of a mass-membership party. The essence of such a party is that it contain activists who, because of choice or circumstances, are unlikely to run for public office. While this is the impression conveyed by Wisconsin party activists as a group, the party officer questionnaires do not offer convincing evidence on this point for the leadership. Admittedly, however, it would be surprising if officers were not more likely election candidates than rank-and-file activists.

Table 4 shows that the roles of party leaders and candidates for public office were by no means mutually exclusive, whether measured by actual elections, defeats or future plans. This is still more apparent by another calculation which shows that only about half the officers said they had been *neither* elected to nor defeated for public office (whereas about two-thirds, as shown in Table 4, said no to each question separately). Even this group of roughly fifty per cent of the party officers cannot be described as a hard-core of non-candidates since some may want to run in the future. Nor can the "do-not-intends" or "do-not-desires"

<sup>14</sup> The Milwaukee ward units are in this instance too few to support the calculation of percentages.

TABLE 4  
*Candidacy of Party Officers for Elective Public Offices*  
 (Per Cent)

Elective public office	Republican officers				Democratic officers			
	County chairmen (N = 64)	County secs. (N = 58)	Women's leaders (N = 39)	Milw. officers (N = 22)	Total (N = 183)	County chairmen (N = 64)	County secs. (N = 65)	Milw. officers (N = 26)
Elected to:								Total (N = 155)
Yes	51.6	44.8	12.8	22.7	37.7	39.1	24.6	15.4
No	48.4	55.2	84.6	77.3	61.7	59.4	75.4	84.6
Indefinite	0.0	0.0	2.6	0.0	0.5	1.6	0.0	0.0
Total	100.0	100.0	100.0	100.0	99.9	100.1	100.0	99.9
Defeated for:								Total (N = 338)
Yes	39.1	13.8	5.1	59.1	26.2	54.7	36.9	34.6
No	60.9	84.5	87.2	40.9	71.6	42.2	60.0	65.4
Indefinite	0.0	1.7	7.7	0.0	2.2	3.1	3.1	0.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Intend to run for:								Total (N = 100.0)
Yes	15.6	24.1	5.1	22.7	16.9	34.4	12.3	38.5
No	76.6	69.0	87.2	68.2	75.4	53.1	78.5	57.7
Indefinite	7.8	6.9	7.7	9.1	7.7	12.5	9.2	3.8
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Desire to run for:								Total (N = 100.0)
Yes	23.4	29.3	15.4	50.0	26.8	48.4	36.9	57.7
No	67.2	60.3	76.9	40.9	63.9	42.2	58.5	42.3
Indefinite	9.4	10.3	7.7	9.1	9.3	9.4	4.6	0.0
Total	100.0	99.9	100.0	100.0	100.0	100.0	100.0	100.0

of Table 4 be taken as definite non-candidates because some may have run in the past. The hard-core is best approximated by counting how many of the negatively intending or the negatively desiring had never been candidates in the past. It turns out that 43.5 per cent of all 338 officers neither *intended* to run nor had run in the past, and that 34.6 per cent of the 338 neither *desired* to run nor had run before. Either percentage represents a fairly substantial group of non-candidates, but fewer county chairmen and more Women's club presidents than other officers are in the group.

Closer analysis of the questionnaires indicates the need for some qualification of the percentages reported above. Although no sharp rural-urban difference is discernible, there is a difference between one-party and competitive situations. Thus the Democrats, more of whom were defeated candidates, tended to be sacrificial rather than serious nominees in one-party Republican counties. By filling their party's state legislative or courthouse ticket, and so making the ballot look better for national and state candidates, Democratic leaders were still in their role as activists rather than as aspiring office-holders. For example, of 35 Democratic county chairmen defeated for public office, 20 lost in the 36 counties tabulated as safe-Republican. The same explanation, in reverse, helps to account for the large number of Republican ward officers defeated for public office in Democratic Milwaukee county. Interviews have generally confirmed this explanation.

Another kind of qualification is indicated by questionnaire information on the names of offices elected-to or defeated-for. Particularly for Republican county chairmen, whose percentage elected to office was the highest of any group's, it is noteworthy that of 46 public offices held (by 33 chairmen) 31 were non-partisan elective offices, many of them virtually unremunerative. The pattern is roughly similar for other party officers.

Despite these several qualifications, however, it is still impossible to be sure that many more than one-third to one-half of the party leaders have ruled out the role of candidates for remunerative public office. However, even this conservatively estimated proportion seems high when compared with the leadership of an

old-style organization like that of Chicago's ward committeemen, very few of whom, Gosnell found, held no governmental position.<sup>15</sup>

#### 7. *Candidate selection.*

There remains the question of the part played by party leaders and their organizations in selecting candidates for public office. Official organizational backing in the primary has been prohibited at all levels by the Democratic party's state constitution, but there is now considerable pressure to allow pre-primary endorsement by a convention at the state level. The Republican constitution, on the other hand, allows party units to endorse at any level, and specifically requires pre-primary endorsement for all regularly scheduled elections for statewide offices.<sup>16</sup> Generally Republican units do not officially endorse below the Congressional level, and thus the Republican practice, as well as Democratic interest in the practice, is largely confined to national and state offices. This coincides with what would be expected of party activism built around an interest in national and state issues.

On the local level, the absence of endorsement for county and state legislative positions, except in a rare Republican urban unit, is strong but not conclusive evidence of a limited party participation in selecting candidates for these positions. Unofficial organizational influence remains worth looking into. Of the two kinds of locally elected offices (courthouse and state legislative) on the same partisan ballot with state-wide and Congressional offices, the legislative positions are the more issue-oriented and therefore the more likely to be of interest to party activists. That they are in fact of interest is indicated by party officers, almost all of whom said on their questionnaires that they took the opportunity to discuss state legislative business with their senators or assemblymen when of the same party.

The degree of informal control over the nomination of legislative candidates would have been difficult to ascertain directly in

<sup>15</sup> Harold F. Gosnell, *Machine Politics: Chicago Model* (Chicago: University of Chicago Press, 1937), pp. 40-41.

<sup>16</sup> An analysis of the success and the importance of state-wide Republican endorsement is contained in the author's "A Two-Party Wisconsin?" *Journal of Politics*, XVIII (1956), 427-58.

mail questionnaires, as opposed to field inquiry. However, an effort was made by mail to learn the extent to which party officers played any part, though not necessarily a controlling part, in the 1956 legislative selection process. Over 86 per cent of all officers said that they did one or more of the following: actively sought well-qualified candidates, persuaded or encouraged well-qualified candidates to run, or tried to persuade individuals not to enter the primary against a well-qualified candidate already in the race. Fewer than ten per cent checked "no part at all," with Republican officers slightly more numerous than Democrats in this negative category. Republican leaders in urban counties tended to be more active than those in rural counties, and Republicans in competitive counties more active than those in one-party Republican counties. In part, these differentials, especially the generally greater Democratic activity, reflect the need for a party organization to fill the ticket in areas where its candidates have relatively poor chances of winning a general election. However, organizational recruiting of candidates in a two-party competitive county suggests the more significant party task of finding a candidate capable of attracting enough marginal voters to win in a fairly even two-party division of the vote. This is precisely what happened in 1956 in one of the five counties whose legislative selection process was examined in detail; here, in a situation where the Republicans felt for the first time seriously in danger of losing their Assembly seat to a Democrat, the party leaders persuaded one of their members (eventually elected) to enter the primary against an already-announced Republican candidate who was thought to be a poor vote-getter. Even in this case, the organization's function included no formal endorsement and very little informal help for the favored primary candidate.

Party officers, despite their indications of activity in the selection process, do not claim control or even strong influence over the nomination of legislative candidates. Encouraging, seeking, and persuading candidates, in that order, were the popular questionnaire choices, and only 34 of 338 officers asserted as much attempted control as would be implied by "trying to persuade individuals *not* to enter the primary." Nor is this the only evidence



of a limited organizational function. Even in an urban county chosen as one of the five case-studies because of its large and active Democratic membership, along with a Democratic electorate, the Democratic legislative candidates have come forward largely on their own. While the successful ones have been party members in good standing—and so encouraged by the leadership—there have been primary contests in which personal popularity and personal campaigning determined the result. In the two safe-Republican counties studied, the Republican leaders in 1956 were found to have favored the losing primary candidates for the Assembly, but to have done almost nothing, certainly nothing effective, to help the losers.

TABLE 5

*Legislator's Views of Role of Local Party Leaders in Nomination  
for Legislative Seat now Held  
(Per Cent)*

Role of Party Leaders	Per Cent
	(N = 109)
Persuaded me to run	13.8
Encouraged me to run	27.5
Generally favored another candidate	11.9
Some favored me, some did not	16.5
No action at all	26.6
Indefinite	3.7
Total	100.0

In addition to these selected examples of limited organizational control, there is some broader evidence from the legislators themselves. From interviews and mail questionnaires, answers were received from 109 of the 133 state legislators in the 1957 session. With respect to their views of what local party leaders did at the time of their first successful nominations, well over half of the legislators believed that the leaders were either negative, divided or indifferent concerning their candidacies (Table 5). The fact that the percentage of legislators indicating persuasion or encouragement by party leaders is lower than that reported by the party leaders does not mean that one group has misreported.

Rather the difference may be accounted for by legislators, as winning candidates, coming in large numbers from the safe one-party situations where, as already noted, the majority party's candidates most often come forward without organizational intercession.

While the intention of much of the foregoing has been to stress the limited organizational part in legislative candidate selection, it must also be said that this could very well change as Wisconsin's new-model parties become larger and more widely accepted as respectable political agencies distinct, in the public mind, from old-fashioned machines. The parties are still new in form, and they operate in an environment whose political customs and legal regulations are hostile to organizational control of nominations. Even so there is state-wide endorsement by the Republicans, growing sentiment for the same practice among the Democrats, and, of special significance here, a few signs of stronger-than-customary organizational activity in selecting legislative candidates in the urban and suburban areas where the regularized mass-membership party is most highly developed.

### III. SUMMARY

Findings related to the original hypotheses about Wisconsin's party activism may be briefly summarized:

- 1) Generally, large and highly organized memberships are found in urban and suburban middle-class communities.
- 2) Orientation mainly to national and state politics is indicated by party officers, and local units tend to be large and active regardless of the degree of competition in local elections.
- 3) Data from local party officers suggest the dominance of Democratic leadership by a New Deal-Fair Deal generation recruited in the postwar years, and the presence of two separate generations of Republicans, prewar and postwar.
- 4) Although local Republican leadership is more homogeneous occupationally than that of the Democrats, it may be more significant that the leadership of both parties is drawn heavily from high-status occupations.
- 5) Considerable competition for local party offices, contrary to subjective impressions, is reported by leaders.
- 6) Roles of party leaders and candidates for public office are

often not mutually exclusive. Nevertheless a substantial number of local officers do seem unlikely to be serious candidates for remunerative political offices.

7) Candidate selection at the level exemplified by state legislative positions is not now controlled or, in general, effectively influenced by party organizations.

With respect to the last statement, it should again be said that the activists studied here may not always be primarily service agents for national and state candidates. As they become more numerous and more highly organized, and especially if their time and money become relatively more important, mass-members might well try to determine party candidates, and policies, locally as well as at higher levels. In Wisconsin, as in most of the United States, this determination must be made within the stringent limits of the direct primary. American activists cannot usually bestow the party label with the finality, say, of a British constituency association. The inability to do this may seriously limit the function of mass parties in the United States. However, the Wisconsin experience to date indicates that sizable voluntary organizations can at least exist without complete control of the nominating process, and sometimes without even trying to control it.

*Congressional Resistance to Reform:  
The House Adopts a Code  
for Investigating Committees*

I. THE PURPOSE OF THE STUDY

A SHORT WHILE ago the public and the profession were agitated by problems attending the investigative power of Congress. Abuses were charged, a variety of remedies were proposed, and a number of bills embodying these remedies were introduced in both houses of Congress. As early as 1945 consideration was given to the problem, but the Legislative Reorganization Act touched investigations as only a small part of a larger problem. The critics of investigations remained unsatisfied and as the scope and frequency of inquiries increased demands were voiced in the organs of public opinion and in Congress itself that a whole set of changes be enacted. Hearings resulted in the 83rd Congress and in the spring of 1955 the House of Representatives responded to this decade of discussion by enacting a code of fair investigating procedure. The House code reorganized only a part of the rules, but since it affected an important power of Congress, it provides instructive evidence of Congressional reaction to reforms in the rules.

It has been argued that Congress can reorganize, but not reform itself:

The question "Can Congress reform itself?" must, then, be answered in the negative. Congress can reorganize itself, it can streamline itself, it can modernize itself. It cannot carry out the full range of needed legislative reforms.<sup>1</sup>

The men who hold key power positions in Congress will defend the system that gives them their strength. The Speaker of the

<sup>1</sup> James M. Burns, *Congress on Trial*, (New York: Harper, 1949), p. 143.

House, the committee chairmen, and the majority and minority leaders are exceedingly sensitive to rule changes. Yet these men must usually be relied upon for the success of any major change in the system. The seniority rule, the large prerogatives of committee chairmen, the filibuster in the Senate, and, we must add, a flexible power of investigation, are all deeply-rooted parts of the legislative process. The chairmen of important investigating committees, many members of these committees, and other Congressmen who have used or who favor the use of investigatory powers will be suspicious of any proposed alterations in committee procedure. Furthermore, other Congressmen might see a threat posed to other traditional rules by innovations in any part of them. With this theory we should therefore expect resistance whenever a reform measure is interpreted as impairing investigations or constituting a precedent for serious infringement of other prerogatives of committees and their chairmen. Any proposed change of this character will probably be defeated or drastically amended. The argument of this study is that this, in fact, happened when Congress was asked to adopt a code.

Students of Congress have employed the terms "reorganization" and "reform" without an extended explanation of them. Sometimes the words are used more or less interchangeably but often reform will designate changes in organization and procedure regarded as major or important by the writer. George Galloway distinguishes two kinds of reorganizations: those that "were relatively minor" and those "which have profoundly altered the previous equilibrium of power, bringing far-reaching changes in their train."<sup>2</sup> It is in the latter sense that James M. Burns, as quoted above, contrasted reforms with measures that merely streamlined or modernized. His particular criticism of most past reorganizations is that nothing has been done to insure majority rule and party responsibility in Congress.<sup>3</sup> For him, most reor-

<sup>2</sup> George Galloway, *Congress at the Crossroads* (New York: Crowell, 1946), p. 124.

<sup>3</sup> Under a reformed Congress, Burns would have real control of public policy pass to the leadership of the majority party, the Congressional leaders and committee chairmen would be party agents, and both Houses would be organized to muster majorities for party policies. Burns, *op. cit.*, p. 203.

ganizations are properly named and only a few could be better described as reforms.<sup>4</sup> In applying these terms to codes of procedure, the tenor of these distinctions will be retained: a reorganization of investigations will refer to changes in the organization and procedure of committees which, although more intensive than those adopted in ordinary sessions, do not seriously affect the established "equilibrium of power"; a reform reduces the power of the chairman and subjects the committee's actions to review or control by the whole house or by the majority party.

## II. LEGISLATIVE REORGANIZATION ACT AND INVESTIGATIONS

The new House code was the end-product of a period of concern with committee procedure inaugurated by the Legislative Reorganization Act of 1946 and exacerbated by the plethora of loyalty and security investigations that followed. The problem of investigations was viewed in widely different contexts throughout this period. The emphasis during the reorganization of 1946 was on the weakness of Congress *vis-a-vis* the executive and not on the abuses or dangers of the power of investigation.

To the extent that attention was given at all, it was directed at the special investigating committee. A study of the hearings before the Joint Committee on the Organization of Congress reveals the paucity of testimony on the problem of investigations.<sup>5</sup> One is tempted to conclude that this sparseness is a reflection of the relative lack of concern with Congressional investigations in 1945-1946. More revealing is content of the testimony before the LaFollette-Monroney Committee: it shows that committee members and witnesses alike were most perturbed about the special

<sup>4</sup> There seems to be general agreement that the 1910 revolt against the Speaker resulted in changes large enough to deserve the name "reform," although V. O. Key deplores the destruction of party leadership that resulted. For an acute discussion of the modes and strategies of reforming Congress, cf. Bertram Gross, *The Legislative Struggle* (New York: McGraw-Hill, 1953), Chs. 20 and 21.

<sup>5</sup> Of the 114 persons who made statements to the Joint Committee only twenty-four referred to the problem. Their references were rarely more than a few passing sentences and several were prompted by questions from committee members.

investigating committee.<sup>6</sup> Like much of the 1946 reorganization the emphasis here was on economy and efficiency and the "rash of special committees" was believed to have been a time-consuming and duplicating practice resulting from a faulty and imprecise alignment of standing committees.

The Joint Committee considered several solutions to the problem. Four proposals were made to centralize investigations in one body. The Joint Committee did not choose to centralize investigations in this way. It recommended instead that special investigating committees be prohibited and that standing committees (with their newly clarified jurisdictions) be permanently empowered to investigate matters within their province. George Galloway, the staff consultant to the Joint Committee, later explained that a "three-way division of labor in the performance of the oversight function" was intended.

Their thought was that the Appropriations Committees, on the one hand, would exercise financial control before expenditure through the scrutiny of the departmental estimates, and the Expenditures Committees would undertake to supervise administrative practices and procedures of the executive agencies, on the other hand, while the legislative committees of the Congress would have the function of reviewing the operation of substantive legislation.<sup>7</sup>

Thus some centralization would have occurred through the reorganized Committees on Expenditures in the Executive Departments, but every standing committee was to possess ample power to handle inquiries normally assigned to special committees.

Ways to consolidate and rationalize the investigatory power were sought at this time and not ways to control procedural abuses. Only two persons pleaded before the Committee for better treatment of witnesses who appear at Congressional inquiries, and

<sup>6</sup> Both LaFollette and Monroney felt that special committees had increased unduly and revealed that attitude through their questioning. U. S. Congress, Joint Committee on the Organization of Congress, *Hearings, Organization of Congress*, 79th Cong., 1st Sess. (Washington: 1945), pp. 13 ff., 301 ff.

<sup>7</sup> U. S., Congress, Senate, Committee on Expenditures in the Executive Departments, *Hearings, Evaluation of Legislative Reorganization Act of 1946*, 80th Cong., 2nd Sess., (Washington: 1948), p. 121.



no action was taken to achieve this end. The myriad demands for some limits on the power were to be made at a later date when this burgeoning institution had impressed itself on the public mind. The recommendations of the Joint Committee intended, and the 1946 Act in fact achieved, a strengthening of the investigatory power, especially as an "oversight" on the executive.

The LaFollette-Monroney plan for investigations was, however, seriously altered during the passage of the 1946 Act. The story of the large concessions demanded by the Speaker and other House leaders is well-known, but it ought to be stressed that among the rejected parts were two provisions relating to investigations. The House leaders demanded that the ban on special investigating committees be eliminated and that the standing committees of the House be denied (even while the Senate retained) permanent inquisitorial powers.<sup>8</sup> This episode illustrates a jealous concern for the investigative weapons of Congress and the large ability of the House leaders to defeat any change that threatens wide departures from the existing system. This intervention by the House leaders to thwart unwanted changes was paralleled and repeated in 1955.

The remedies of the Legislative Reorganization Act were unsatisfactory not so much for their incompleteness but more because they were framed prior to the enormous and unexpected expansion of the investigatory power. There is no need to document here Congress' response to the fear of Communism with its geometric progression of inquiries that frequently involved an exploitation of committee powers by irresponsible members. As the inquiries multiplied so did critical responses.<sup>9</sup> The seeming impotence of

<sup>8</sup> Republican and Democratic leaders were able to agree on these excisions for different motives. Speaker Rayburn was anxious to retain the large powers he had to help or hinder an authorization for a special inquiry, and to prevent abuse of a permanent power to investigate by an irresponsible chairman of a standing committee. Leader Martin wished to keep the special committee device in expectation of a Republican 80th Congress in which great use would be made of it. *Congressional Record*, 80th Cong., 1st Sess., (Feb. 26, 1947), p. 1464.

<sup>9</sup> One rough index of this criticism is the steady increase during this period in the number of articles on Congressional investigations listed in *Reader's Guide to Periodical Literature*, Vols. 13-18. The number listed in 1943-1945 was only 25; this steadily increased and reached 187 in 1951-1953.

Congress to control its agent and the reluctance of the courts to impose restraints or find significant constitutional rights for witnesses led to an increasing demand for procedural protections against the investigatory power. So it was that procedural safeguards, privileges for witnesses, and new rules for organizing committee business began to be drawn together into "codes of fair procedure" and recommended for Congressional enactment. By the 79th Congress an increasing number of these codes were produced by members of Congress, newspapers, bar associations, and civic and political action groups. In that Congress a Senate committee held brief hearings on a code written by the Senate majority leader.<sup>10</sup> Dozens of such measures were introduced in subsequent Congresses, but it was not until 1953 and 1954 that public debate received a full official forum in hearings held before subcommittees of the Senate and the House. By this time the concern shown in 1946 for a sufficiently strong power of investigation had been displaced by a demand to limit Congress' powers with a code of fair procedure.

### III. CONGRESSIONAL RESPONSE IN THE HEARINGS

Hearings were conducted in the 83rd Congress, 2nd Session, before a subcommittee of the House Rules Committee, chaired by Representative Hugh Scott (R-Pa), and a subcommittee of the Senate Committee on Rules, chaired by Senator William Jenner (R-Ind).<sup>11</sup> The House enacted a code after the hearings were over, but the Senate took no action on the Jenner report. This paper will concentrate on the House action, but will refer to the Senate side for relevant illustrations.

To reform Congress or any significant part of it a well-organized

<sup>10</sup> U. S., Congress, Senate, Committee on Rules and Administration, *Hearings, Reform in Procedure before Congressional Committees*, 81st Cong., 1st Sess., S. Con. R. 2 (Washington: 1949).

<sup>11</sup> U. S., Congress, House, Subcommittee on Legislative Procedure of the Committee on Rules, *Hearings, Legislative Procedure*, 83rd Cong., 2nd Sess., H. R. 29, (Washington: 1954); and Senate, Subcommittee on Rules of the Committee on Rules and Administration, *Hearings, Rules of Procedure for Senate Investigating Committees*, 83rd Cong., 2nd Sess. (Washington: 1954).

political movement is probably needed<sup>12</sup> and even a thoroughgoing reorganization will depend for its success on a careful marshalling of political and pressure groups. The effort to write a code of procedures evidenced neither of these characteristics. No national organization or committee was set up to secure a code. The following groups testified for the adoption of a code: three bar associations, four religious bodies, the Congress of Industrial Organizations and the American Federation of Labor, the American Civil Liberties Union, and the American Veterans Committee. While some of these groups are regarded as powerful, they did not coordinate their efforts in this instance to maximize their strength. There was a heightened state of public concern with investigations, but it did not coalesce into a national movement pressing for reforms. Even as a reorganization the 1955 effort was less skillfully directed than that of 1946. True, practically no<sup>13</sup> outside groups testified against the adoption of a code, but the opponents had all the support they needed from within Congress.

The hearings before the Scott committee were the vehicle of the proponents of a code; the Jenner committee represented the opposition. Although the Scott committee met to study Representative Keating's code,<sup>14</sup> Scott introduced a stronger one of his own and published a defense of it in a law journal.<sup>15</sup> Beginning

<sup>12</sup> "If such reform does come, it will doubtless be part of a great popular movement to achieve certain social ends, rather than an isolated effort to improve Congress." Burns, *op. cit.*, p. 140. This view is shared by Bertram Gross, *The Legislative Struggle* (New York: McGraw-Hill, 1953), p. 455.

<sup>13</sup> Only one group from a total of twelve indicated opposition. The spokesman for the Veterans of Foreign Wars expressed confidence in the committees of Congress and saw no need for any "great or major change." Senate Hearings, (1954), pp. 257-259. The American Legion was not represented but it passed a resolution in 1954 commending the major investigating committees and strongly urging "the continuation of these committees with no limitation of their present powers and with ample funds. . . ." *Congressional Record*, 84th Cong., 1st Sess. (Jan. 10, 1955), p. 129.

<sup>14</sup> House Subcommittee on Legislative Procedure of the Committee on Rules, *loc. cit.*

<sup>15</sup> Hugh Scott and Rufus King, "Rules for Congressional Committees: An Analysis of House Resolution 447," *Virginia Law Review*, XL (April, 1954), 249-272.

in the summer of 1953 the supporters of a code had under way a set of hearings building toward favorable action. The opponents of rule changes had ample opportunity to testify the following summer before the Jenner committee. In addition to the groups who had testified before the Scott committee, Jenner invited present and former chairmen of investigating committees, their counsels and executive directors—ranging all the way from the Teapot Dome investigation to the Army-McCarthy affair.<sup>16</sup> The Senate hearings featured the Congressmen least likely to accept major innovations. The use of one committee to give a favorable hearing, countered by a second committee giving a less favorable one, is a tactic too familiar to need explication.

A total of nineteen codes ranging from innocuous revisions to profound changes were printed in the hearings of the two committees.<sup>17</sup> The committees had to consider the merits of voluntary as opposed to mandatory codes. Voluntary codes<sup>18</sup> are adopted at the discretion of the committee and are used as a set of guiding principles. Such principles might be followed or not, depending on the wish of the committee, and the code or any part of it could be changed at will. One of the three voluntary codes reproduced in the hearings—that of the House Committee on Un-American Activities—was adopted by that committee on the very same day that its chairman, Harold Velde, testified before the Scott subcommittee.<sup>19</sup> This strongly suggests that the adoption

<sup>16</sup> The roster included Gerald Nye, Martin Dies, J. B. Matthews, Millard Tydings, Pat McCarran, Harold Velde, Joseph McCarthy, Homer Ferguson, Owen Brewster, Karl Mundt, and Ray H. Jenkins.

<sup>17</sup> This includes 3 Senate Resolutions (253, 256, and 287), 4 House Resolutions (29, 173, 178, 447), 1 House Joint Resolution (328), 2 House Concurrent Resolutions (131, 186), 2 House bills (H. R. 2109 and 4123), and 7 codes not officially introduced but printed in the hearings (the codes of the Judiciary Subcommittee, the Un-American Activities Committee, the Ways and Means Subcommittee, and codes proposed by Rep. Doyle, the American Jewish Congress, the Bar Associations of Washington, D. C. and the City of New York.)

<sup>18</sup> By 1954 eight committees and subcommittees of Congress had adopted voluntary codes, including two of the committees most often criticized for their practices, the House Un-American Activities Committee and the Senate Permanent Investigations Subcommittee.

<sup>19</sup> House Subcommittee on Legislative Procedure of the Committee on Rules, *loc. cit.*, p. 17.

of the code was a tactic to forestall more drastic measures that might have resulted from the House hearings. The very permissiveness of the voluntary code suggests its classification as a minor reorganization.

Those seeking greater change looked to one or another of the sixteen mandatory codes presented. A mandatory code is one that imposes, by statute or house rule, minimum standards of committee conduct.<sup>20</sup> A perusal of these codes suggests three major criteria for assessing the sweep of change involved in any one code: 1. How many significant privileges are granted to witness and counsel before Congressional committees? 2. To what extent is majority approval or authorization needed for the conduct of committee business? 3. How will these rules be carried out? Will they be added to the rules without providing new methods of enforcement, or will Congress devise some new technique of enforcing the rules on its members and committees? While all three criteria are significant, it is argued here that the third question of the mode of enforcement is most crucial for determining the reform character of a code for investigations. The wide departure from the present system that would result from the Congress supervising and controlling its investigating committees was recognized by Congressmen and effectively resisted in the passage of the code. An early version of Representative Scott's code<sup>21</sup> allowed an appeal to the House Committee on Rules whenever violations against witnesses by Congressmen were alleged. (Two other measures before the House Committee, and one before the Jenner Committee had similar provisions.) Only one code presented to the Scott committee contained the most extreme and Congressionally unpopular technique of enforcement through the courts: it would amend the statutes on perjury and contempt and provide that infractions of the rules by Congressmen could be a legal defense for witnesses brought into the courts.<sup>22</sup> Few were the proposals designed to give the House

<sup>20</sup> George Galloway, "Proposed Reforms," *Chicago Law Review*, XVIII (Spring, 1951), 492.

<sup>21</sup> House Subcommittee on Legislative Procedure of the Committee on Rules, *loc. cit.*, H. R. 447, p. 249.

<sup>22</sup> The Congressmen in these hearings were unanimous in their dislike of the

controls over its committees and totally absent was any speculation about controls by the majority party or its representatives over investigations. Those political scientists who are eager for the kind of reform that would remake Congress into an instrument of party government will seek in vain in these hearings for any recognition that the majority party ought to have a primary interest in the uses of the investigatory power.

The sharpness of the division between reforming codes and reorganizing codes is obscured by the "majority-rule" provision mentioned in the second criterion. These provisions would require for the approval of committee business or the granting of certain rights to witnesses a majority vote of the committee members. For example, a code might allow a majority to fix the quorum for the committee, or to decide whether a person defamed before the committee might appear as a witness.<sup>23</sup> These measures are marginal for two reasons: (1) Some Congressmen argued that the majority already had these powers under the rules.<sup>24</sup> (2) Such provisions might constitute a reform within a committee, but they would not alter the external controls exercised by the full House over its committees. On the second point, it could be argued that some reform is contained in any effort to limit the large prerogatives traditionally held by chairmen. In this respect the familiar power structure of Congress is challenged. On the other hand, control of chairmen by their committees is still a long way from control of committees by the parent house. The "either-or"

ruling of the Supreme Court in *Christoffel v. U. S.*, 338 U.S. 84 (1949), which implied a court power to enforce the rules of Congress.

<sup>23</sup> These provisions are included in the code adopted by the House.

<sup>24</sup> Committee Counsel Robert Kunzig (after conferring with the Parliamentarian of the House) reported: "We seem to feel . . . that all these essential powers rest right now by custom, if you will, in the hands of the committee itself, and if . . . there should be an objection by some member to the action of a chairman . . . it would be the best procedure to take a vote on any matter of that kind. In practice, however, I have never seen it occur." U. S. Congress, House, Subcommittee on Legislative Procedure of the Committee on Rules, *Hearings, Legislative Procedure*, 83rd Cong., 2nd Sess., H. R. 29 (Washington: 1954), p. 55. It is a strange "custom" that is never exercised "in practice"! Of course, there was more than custom involved, for the Legislative Reorganization Act had already placed several majority-rule controls into the rules.



character of these provisions explains why they are regarded as significantly reorganizing committees but as falling short of the basic departure involved in other methods of control. The largest number of measures—eight—presented to the Scott Committee contained numerous majority-rule provisions.

The nature of the codes before the House and the Senate permits an interesting comparison between the scope of the proposals and the severity of the criticisms made in the hearings. Although the codes show (at most) an emphasis on *moderate* reform, the complaints of witnesses seemed to demand *extreme* reforms. In other words, the remedies proffered were much less potent than the diagnoses seemed to warrant.

One characteristic of the two hearings is the repeated accusation that investigations have been used in an undemocratic manner. This indictment was made more frequently by witnesses representing civic and religious groups than by Congressmen. One religious body<sup>25</sup> spoke against "methods of repression" and an "American brand of fascism"; another<sup>26</sup> against the "potent assault upon basic human rights"; and a third against an imitation of totalitarian tactics.<sup>27</sup> Similar words can be found in statements of the Americans for Democratic Action, the American Civil Liberties Union, the Congress of Industrial Organizations, members of the faculty of the Yale Law School, and a group of Chicago lawyers, to mention but a few. These complaints suggest that mild alterations would not be acceptable to the critics. When specific codes were proposed by these groups, however, other considerations qualified the sweeping indictments.

For example, although many witnesses deplored the intrusion of committees into areas of private opinion, very few were willing to urge specific measures to stop the intrusion. Only three<sup>28</sup> urged the total withdrawal of Congress from inquiries into subversive activities. No such prohibition was included in any of

<sup>25</sup> Council of Bishops of the Methodist Church, Message of Dec. 11, 1953, House Subcommittee on Legislative Procedure of the Committee on Rules, *loc. cit.*, p. 192.

<sup>26</sup> General Assembly of the Presbyterian Church, Letter of Oct. 21, 1953, *ibid.*, p. 194.

<sup>27</sup> American Jewish Congress, statement of Mar. 11, 1953, *ibid.*, p. 151.

<sup>28</sup> Out of a total of 78 witnesses in both hearings.



the bills introduced. All the critics were interested in placing controls on investigations of subversive activities but none was prepared to demand their total abolition.

The complicating feature of these debates is that the evil to be attacked was at the same time a good to be preserved. Almost every witness prefaced his remarks with a disclaimer of any intent to "impair" the committees of Congress. It was generally recognized that a flexible power of investigation could be destructive but could also be beneficial at crucial moments. A weak code was adopted by the House not only because Congressmen resisted reform, but also because the reformers could not overcome their doubts about severe remedies. The critics did not know how much reform could be had without the risk of fettering desirable Congressional inquiries. This caused them to make the strategic error of asking for too little, leaving little leeway for the inevitable compromises.<sup>29</sup>

The Congressmen and witnesses who supported a mandatory code believed that some code could be adopted that would not unduly hinder the inquisitorial function, and yet produce some beneficial corrections. In general, those opposed to a mandatory code were inclined to argue that rule changes would do little to check irresponsible or abusive chairmen. The argument was stated to the Jenner subcommittee in these words:

I don't think you can ever pass a rule that will make an irresponsible man a responsible man. A hearing will be good or bad, depending on how much common sense, how much knowledge, how much common decency the man conducting it has.<sup>30</sup>

Senator McCarthy's view was shared by several other Senators who testified before the committee of the upper house.<sup>31</sup> Representative George Meader (R-Mich) was alone in taking the same position before the Scott subcommittee. These men were opposed to *all* mandatory codes, with or without new techniques for enforcement.

<sup>29</sup> Cf. Gross, *op. cit.*, pp. 453 ff.

<sup>30</sup> U. S., Congress, Senate, Special Subcommittee on Investigation of the Committee on Government Operations, *Special Senate Investigation on Charges and Countercharges* . . . , 83rd Cong., 2nd Sess., 1954, S. R. 189, p. 444.

<sup>31</sup> Senators Butler, Bricker, Potter and Welker.

The supporters were able to see some good resulting from a code even if no transformation in the Congressman's personality resulted. Agreeing that rules could not remake people, they felt more had to be said. Will Maslow, representing the American Jewish Congress, made the best rejoinder:

Even if these rules are difficult to enforce, there is a persuasive argument to be made in favor of a code that raises standards, educates the public to preferred, and conversely to unacceptable procedures, and arms the critic with ammunition with which to attack abuses. Indeed, the very campaign to adopt rules promises to create a climate of opinion so inhospitable to abuses as to make them unprofitable.<sup>32</sup>

Legislation appealing to traditional legal and political values is certain to have some of the consequences mentioned by Maslow.

The opponents weakened the argument about the ineffectiveness of codes by adding that these measures would "hamstring" or "obstruct" committees. Now, if Congressmen are going to behave as they have in spite of new rules, in what sense are they being obstructed? Only if some rules work for some Congressmen can there be obstructing. The generalization about the ineffectiveness of rules seems to have been offered as a debater's point without much thought about its implications. I conclude that the opponents feared more deeply—even when denying it—that the rules *would* work. Opposition was aroused because of the potential consequences of a code, not because codes have no consequences.

#### IV. THE STORY OF THE HOUSE ACTION

Resistance to reform in the House of Representatives is clearly evident in the revision of Scott's initial measure, House Resolution 447, into House Resolution 571 at the conclusion of hearings.<sup>33</sup> (H. Res. 571 was reintroduced in identical form at the beginning of the 84th Congress.) This is the beginning of familiar "watering-down" process encountered in legislative struggles: here the major threat to committee autonomy from new types of control was

<sup>32</sup> *Supra*, note 27, at p. 153.

<sup>33</sup> H. Res. 447 was introduced Feb. 17, 1954, 83rd Cong., 2nd Sess., and H. Res. 571 was introduced June 1, 1954 during the same session.

averted. House Resolution 571 eliminated the system of appeals to the Rules Committee for controlling abuses by investigating committees. The revised bill was weaker in two other respects and stronger in only one.<sup>84</sup> With these major concessions any hope for a strongly reformist code had been lost even *before* the opponents introduced their counter-proposal.

House Resolution 571 also cut out a section vesting all House committees with permanent investigating powers. This section would have revived a part of the Legislative Reorganization Act of 1946 rejected at that time by Speaker Rayburn and the House leaders. The section was removed in committee probably to avoid collision with House leaders. The other concessions were made to placate the ranking Democrat, Representative Smith, and thus secure bipartisan support for the resolution. House Resolution 571 was reported unanimously by the subcommittee, but it was too late in the session to receive action. Scott obtained assurances from Speaker Martin that it would be taken up at the beginning of the next session, but these plans were upset by the election in 1954 of a Democratic House.

The opponents were ready with their counter-proposal, and Scott's already compromised bill was replaced by the weaker Doyle resolution—House Resolution 151. Speaker Rayburn, Majority Leader McCormack, and Representative Smith agreed that they would support a watered-down code introduced by Representative Doyle (D-Cal).<sup>85</sup> The new code was largely the product of the House Committee on Un-American Activities. Aside from Doyle himself, two other members of that committee helped him in the drafting. As members of a key investigating committee the authors of House Resolution 151 were naturally reluctant to

<sup>84</sup> H. Res. 571 was weaker in: (1) allowing the majority to delegate its power to issue subpoenas; H. Res. 447 kept this power in the hands of the majority; (2) placing the privileges of the witness's counsel at the discretion of the chairman and cutting out specific mention of a privilege of cross-examination; and (3) eliminating the system of enforcement by appeals to the Committee on Rules. It was stronger in allowing the witness to require the attendance of at least two members for his hearing; H. Res. 447 permitted one-man hearings.

<sup>85</sup> The floor debate contains no reference to these maneuvers. The version that follows comes from informed persons close to these events in correspondence with the author.

reduce their powers. The Rules Committee held one hearing at which only members of Congress could testify and it promptly reported the Doyle bill. After a short debate the new code was carried by a voice vote.<sup>36</sup>

Scott excoriated the "legislative massacre directed against two years' careful work" and characterized the Doyle code as "a triumph of innocuous inconsequence."<sup>37</sup> He charged that it was a "hasty sop to public opinion" designed "to head off effective legislation." Even so, Scott and other supporters of a stronger code reluctantly voted for the resolution on the grounds that "half a loaf is better than none."<sup>38</sup> Scott's description of the new code is upheld by a comparison of H. Res. 151 with H. Res. 571. Such a comparison shows that the Doyle resolution is stronger in only two respects and weaker in six.<sup>39</sup> The preponderance of the codes initially presented to the House was on the line between reform and reorganization. The code finally enacted, lacking any new technique for enforcement and having few majority-rule provisions, was no more than a minor reorganization of the rules for investigating committees.<sup>40</sup>

<sup>36</sup> *Congressional Record*, 84th Cong., 1st Sess. (March 23, 1955), p. 3037.

<sup>37</sup> *Ibid.*, p. 3025.

<sup>38</sup> *Ibid.*, p. 3033.

<sup>39</sup> The Scott resolution had three more majority-rule provisions; it granted additional rights to witnesses and counsel; and it required resolutions authorizing investigations to state clearly the subject matter of the inquiry. The Doyle resolution was stronger in banning the one-man hearing and in specifically allowing counsel to accompany the witness at the stand.

<sup>40</sup> The major sections of the new House code may be summarized as follows:

1. Each committee may fix quorum for taking testimony and receiving evidence, but it shall not be less than two. (This provision prohibits any one-man investigations.)
2. The chairman at an investigative hearing shall announce in an opening statement the subject of the investigation.
3. A copy of the committee rules shall be made available to witnesses.
4. Witnesses may be accompanied by their counsel for the purpose of advising them concerning their constitutional rights.
5. The chairman may punish breaches of order on the part of counsel by censure and expulsion, and the committee may cite him to the House for contempt.
6. If the committee decides that evidence may tend to defame, degrade or incriminate any person it shall—*a.* receive such evidence in executive

## IV. CONCLUSIONS

(1) The recent attempt to control the investigative power strongly supports the hypothesis of this study: Congress will resist reforms in its investigating procedure. In spite of public agitation and the production of codes containing some elements of reform, the leaders of Congress and interested committees used their powers to avoid profound changes. (2) This study shows that failure to reform is due not alone to the resistance of Congressional leaders. The lack of any organization of outside supporters, the confusion of purpose, and the weakness of strategy also contributed to the paucity of results. (3) The counter-strategy of the opponents, perhaps characteristic of all reorganization efforts, was to introduce a lesser change to avert a greater one.

This last conclusion adds a refinement to the theory mentioned at the beginning of this study. To say that reform is unlikely does not explain why reorganization involving some changes occurs *at all*. Could not the leaders of Congress use their great powers to defeat any change and leave the traditional rules intact? It is suggested here that reorganization can be a strategic device using the appeal of a set of structural changes to dissipate the drive for even larger ones. Perhaps the best way to *conserve* the traditional system is to reorganize it. The demand for a code was deflated when the leaders produced and, in one house, enacted their own code.

session; b. afford such a person an opportunity voluntarily to appear as a witness; and c. entertain requests from such person to subpoena additional witnesses.

7. Except as provided in (6), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.
8. No evidence taken in executive session may be made public without the consent of the committee.
9. In the discretion of the committee, witnesses may submit sworn statements in writing for inclusion in the record.
10. The witness may obtain by paying the cost a transcript copy of his testimony at public sessions, but the committee must authorize such transcripts for executive sessions.

The code is interesting for its emphasis, in spite of its brevity, on assigning certain authority to the committee and thus providing some small check on the prerogatives of the chairman.

Reformers often accept lesser changes on the grounds that "half a loaf is better than none." We cannot, however, believe that a series of reorganizations will necessarily add up to a reform. The idea to be further explored is that reorganizations (perhaps of all branches at all levels of government) is a form of change that works against reform, not only for the occasion but for the future.<sup>41</sup> From this view reorganization is not "half a loaf" but a substance totally different from the bread of reformers. If this idea has any merit it suggests that reformers (at least on occasion) consider a strategy of opposing reorganizations and building for a time when basic change is possible. Whether the idea is true or not, it at least demands that we give more attention to the kinds of change that encourage reform and those that do not. The need is for more research that treats of reorganization as a part of the larger process of political and social change.

<sup>41</sup> On the other side, it is true, of course, that too large a reform because of its unworkability might hinder the achievement of one's goal. This paper does not attempt to assess the potential effectiveness of the proposed reforms.

## *Voting for President in the Larger Metropolitan Areas, 1952-1956*

IN THE FIRST issue of this *Journal* Edward Banfield presented some very useful data in his article "The Politics of Metropolitan Area Organization." The figures published in this current *Journal* are designed to extend that material with specific statistics of the voting for President in 1952 and 1956 in the Standard Metropolitan Areas (SMA) with a 1950 Census population in excess of one million.

The 14 SMA's in this category accounted for 29.5 percent of the continental population in 1950 and that percentage has risen in the past seven years. Though central city areas in most SMA's are gaining population slowly, if at all, outer parts are growing rapidly. In the first Eisenhower election the large SMA's accounted for 34.0 percent of the national vote; in 1956, the figure had gone up to 34.4 percent.

With one ballot in three being cast in these 14 SMA's, the importance of these areas in political planning is obvious, and this importance is likely to grow in 1960 and 1964. For these great population areas are areas capable of substantial political change. Their voting pattern of 1956 shifted rather more over 1952 than did those of many other parts of the country. It is not only their size but their capability for change that will make them vital in coming national campaigns.

The total vote in the SMA's was 20,811,000 in 1952; by 1956 it had risen to 21,218,000. But the rise was uneven. In every SMA the central city (or cities) declined in total vote cast; in every one the part of the SMA outside the center rose in vote cast. Of course this shift simply reflects the trend of population outward to the suburbs, but the universality of this shift is notable. Even Los Angeles city declined in its voting turnout in 1956.



TABLE 1

*1952-1956 Major Party Voting for President in Standard Metropolitan Areas of Over One Million Population*

Area	1952				1956			
	Eisenhower		Stevenson		Eisenhower		Stevenson	
	Popular Vote	Pct.	Popular Vote	Pct.	Popular Vote	Pct.	Popular Vote	Pct.
Central Cities*	4,796,971	44.9	5,880,555	55.1	4,792,849	48.2	5,157,650	51.8
Outside Areas	5,984,319	59.1	4,149,597	40.9	7,011,215	62.2	4,256,215	37.8
Total SMA's	10,781,290	51.8	10,030,152	48.2	11,804,064	55.6	9,413,865	44.4

\* One in each SMA except for Minneapolis-St. Paul (two), and Washington (none).

In support for Eisenhower and Stevenson the 14 SMA's showed a heavy swing towards the President. In the central cities Eisenhower lost only 4,000 votes while Stevenson dropped 723,000; in the heavier voting in the outer areas, the President gained 1,027,000; Stevenson 107,000. Percentage-wise the Eisenhower gain was 3.8 points for the total of the 14 SMA's, with virtually no difference in the gain percentage as between central cities and outer areas.

There were real differences as between SMA's however. Most showed gains for Eisenhower—eleven of the fourteen. Three registered Stevenson percentage increases. Two of these were the California SMA's (Los Angeles and San Francisco), the other was Washington, D. C. In this latter area the shift was a full five percentage points, all registered in the outside area since the city of Washington has no resident franchise.

Eisenhower's percentage gains were lowest in Detroit, Saint Louis, and Minneapolis-Saint Paul, though the latter two are of special interest since in both states Stevenson gained on the state-wide count despite his losses in these metropolitan areas.

Within the individual SMA's the pattern of shift as between the center and the outer area was mixed. In some SMA's the pattern was the same; in others the center shifted more to Eisenhower than did the suburbs (for example, in Boston and Cleveland); in still others the reverse was true, with the outer areas showing the larger swing (as in New York and Philadelphia).

TABLE 2

*1952-1956 Major Party Voting for President in Selected  
Standard Metropolitan Areas*

Area	1952				1956			
	Eisenhower		Stevenson		Eisenhower		Stevenson	
	Popular Vote	Pct.	Popular Vote	Pct.	Popular Vote	Pct.	Popular Vote	Pct.
Baltimore SMA	271,776	52.9	241,684	47.1	310,887	60.3	204,761	39.7
Baltimore CITY	166,605	48.3	178,469	51.7	178,244	55.9	140,603	44.1
SMA outside CITY	105,171	62.5	63,215	37.5	132,643	67.4	64,158	32.6
Boston SMA	633,597	53.2	558,259	46.8	667,526	57.7	489,261	42.3
Boston CITY	143,400	40.4	211,944	59.6	143,194	46.4	165,530	53.6
SMA outside CITY	490,197	58.6	346,315	41.4	524,332	61.8	323,731	38.2
Buffalo SMA (a)	308,770	57.0	232,882	43.0	355,090	64.3	197,091	35.7
Buffalo CITY	135,307	50.4	133,206	49.6	140,154	57.7	102,847	42.3
SMA outside CITY	173,463	63.5	99,676	36.5	214,936	69.5	94,244	30.5
Chicago SMA	1,478,443	51.9	1,371,824	48.1	1,646,278	58.6	1,164,239	41.4
Chicago CITY	837,594	45.6	998,836	54.4	849,241	51.3	807,174	48.7
SMA outside CITY	640,849	63.2	372,988	36.8	797,037	69.1	357,065	30.9
Cleveland SMA	352,948	50.9	340,308	49.1	384,491	54.2	324,276	45.8
Cleveland CITY	149,925	40.1	223,830	59.9	153,205	45.4	184,302	54.6
SMA outside CITY	203,023	63.5	116,478	36.5	231,286	62.3	139,974	37.7
Detroit SMA	609,348	45.4	732,651	54.6	693,110	45.6	827,335	54.4
Detroit CITY	319,712	39.5	489,892	60.5	300,366	38.2	485,313	61.8
SMA outside CITY	289,636	54.4	242,759	45.6	392,744	53.5	342,022	46.5
Los Angeles SMA	1,304,519	57.0	982,623	43.0	1,373,716	56.4	1,062,782	43.6
Los Angeles CITY	496,422	52.1	456,021	47.9	482,860	50.9	466,121	49.1
SMA outside CITY	808,097	60.5	526,602	39.5	890,856	59.9	596,661	40.1
Mpls.-St. Paul SMA	275,727	50.5	270,405	49.5	286,420	52.3	261,494	47.7
Minneapolis CITY	124,067	50.8	120,230	49.2	109,726	51.6	102,991	48.4
St. Paul CITY	64,068	44.0	81,562	56.0	63,585	46.8	72,155	53.2
SMA outside CITIES	87,592	56.1	68,613	43.9	113,109	56.7	86,348	43.3
NY-NE NJ SMA (a)	3,147,642	52.5	2,849,068	47.5	3,534,333	58.5	2,512,132	41.5
New York CITY	1,495,491	44.6	1,854,930	55.4	1,553,298	49.0	1,614,876	51.0
SMA outside CITY	1,652,151	62.4	994,138	37.6	1,981,035	68.8	897,256	31.2
Philadelphia SMA	850,870	49.5	868,622	50.5	921,292	52.7	826,323	47.3
Philadelphia CITY	396,874	41.6	557,352	58.4	383,414	43.0	507,289	57.0
SMA outside CITY	453,996	59.3	311,270	40.7	537,878	62.8	319,034	37.2
Pittsburgh SMA	485,888	47.1	544,874	52.9	529,247	52.8	473,030	47.2
Pittsburgh CITY	134,147	43.9	171,108	56.1	131,869	47.7	144,473	52.3
SMA outside CITY	351,741	48.5	373,766	51.5	397,378	54.7	328,557	45.3

TABLE 2 (Continued)

Area	1952				1956			
	Eisenhower		Stevenson		Eisenhower		Stevenson	
	Popular Vote	Pct.	Popular Vote	Pct.	Popular Vote	Pct.	Popular Vote	Pct.
St. Louis SMA	346,019	43.5	448,888	56.5	358,559	45.2	434,901	54.8
St. Louis CITY	144,828	38.0	235,893	62.0	130,045	39.1	202,210	60.9
SMA outside CITY	201,191	48.6	212,995	51.4	228,514	49.5	232,691	50.5
San Francisco SMA	584,735	53.9	500,802	46.1	593,236	53.6	513,373	46.4
San Francisco CITY	188,531	53.0	167,282	47.0	173,648	51.8	161,766	48.2
SMA outside CITY	396,204	54.3	333,520	45.7	419,588	54.4	351,607	45.6
Washington SMA (b)	131,008	60.0	87,262	40.0	149,879	55.0	122,867	45.0

(a) Liberal vote in New York included with Democratic.

(b) No central city vote in Washington; vote totals are for suburban Maryland and Virginia areas.

## *Science and State Governments*

THE National Science Foundation in 1954 provided for surveys of research and other scientific activities in four major areas: the Federal Government, six representative states, the state universities, and the private sector of the economy. The University of North Carolina received the general contract for the state governments' survey, and the states of Connecticut, California, New Mexico, New York, North Carolina, and Wisconsin were selected for detailed study. On the basis of an initial decision in the National Science Foundation, the state agricultural experiment stations were included within the scope of the state government surveys. Subsequently, the University surveys in the six states were incorporated in the state studies although different individuals made these studies. The National Science Foundation expects to complete publication of a summary of state research as well as the six individual state studies before the close of 1957.<sup>1</sup>

Little attention, at least apart from university activity, has ordinarily been given to research carried on by state governments.<sup>2</sup>

<sup>1</sup> The individuals in the states responsible for the separate studies were: Hubert R. Marshall, Assistant Professor of Political Science, Stanford University; Elroy P. Lehman, Assistant Professor of Geology, Wesleyan University (Connecticut); Allan R. Richards, Associate Professor of Government and Citizenship, University of New Mexico; Dr. Clark Ahlberg, then Assistant Dean, College of Engineering, Syracuse University, and Guthrie S. Birkhead, Assistant Professor of Political Science, Syracuse University; Frederic N. Cleaveland, Associate Professor of Political Science, University of North Carolina; and the present author. John Honey, Wayles Kennedy, and Mrs. Mary Albert of the National Science Foundation and Jacob M. Jaffee of the Governments Division, Bureau of the Census, worked with the state study directors to make up the planning committee. Professor Cleaveland gave general attention to all of the state surveys and wrote the summary.

<sup>2</sup> Research as a function of the national government has been well, though not exhaustively, considered in two rather recent books: Don D. Price, *Government and Science* (New York: New York University Press, 1954) and A. Hunter

Few studies call attention to state government research effort in the nineteenth century, not only in expenditures for universities, but in appropriations for collecting statistical data and other information. Statistical data-gathering frequently constituted an initial step before the establishment of health, labor, and public utility departments with regulatory powers. In the twentieth century, the states have continued and expanded statistical data-gathering and in some states have undertaken other substantial basic and applied research, especially in the fields of agriculture, health, and resource development.

The current studies of the six states cover an analysis of scientific activities in the fiscal years 1953 and 1954. Scientific activity for the purposes of the surveys was defined as:

A function or group of functions which is concerned, either individually or in combination, with the creation of new knowledge, new applications of knowledge to useful purposes, or the furtherance of the creation of new knowledge of new applications, either in the natural or social sciences.

Other attempts were made to make the surveys comparable by careful definition of the terms "research" (basic or applied), "planning and administration of research and development," "data collection," and related scientific functions such as "scientific information," "training of scientific manpower," and "testing and standardization."

The state study directors readily found that securing the data and making the proper classification of the data were relatively easy in agencies which were organized to engage in extensive research. On the other hand, staff members in agencies in which research was a small part of the total responsibility had difficulty in providing reasonably accurate scientific activity expenditure and manpower information. The author certainly found this problem in Wisconsin. The long-standing concept that the University of Wisconsin is the research arm of the state no doubt affected departmental attitudes. A number of agency officials were reluctant

Dupree, *Science in the Federal Government, A History of Policies and Activities to 1940* (Cambridge, Mass.: The Belknap Press of the Harvard University Press, 1957).

to recognize that any of their work might constitute scientific activity. A second special difficulty lay in the field of how research decisions were made. The study findings at most provide suggestions and hypotheses. As our dependence on basic and applied research apparently increases, thorough studies of the decision-making process in research may both contribute to our general understanding of decision-making in administration and assist in our organization of research.

Tables 1 and 2 show briefly a few of the findings of the state studies. (Reference to the published studies is necessary for understanding of the import of these statistics).

TABLE 1  
*Expenditures for Scientific Activities and Sources of Funds  
for Scientific Activities, 1954*

State	Scientific Expenditures In Million Dollars	Activities as Per Cent of State Expenditures	Sources of Scientific Activity Funds:		
			State	Federal	Other
			(In percentages)		
California	\$32.3	1.9%	69.6%	24.6%	5.8%
Connecticut	2.7	1.4	67.3	26.3	6.4
New Mexico	2.0	1.8	63.0	33.6	3.4
New York	18.8	1.3	81.9	10.2	7.9
North Carolina	5.8	1.5	55.2	34.0	10.8
Wisconsin	7.2	2.0	49.9	33.1	17.0

Table 1 reflects the relation of total scientific activity to total state expenditures and the general sources of funds for scientific activities in the six states. When research emphasis is measured by the ratio of research expenditures to total expenditures, the states show considerable similarity. The ratio of 1.3% for New York compares with 2% for Wisconsin, with the other four states showing ratios between these two points. Except in New York, federal grants provide one quarter to one-third of the funds for scientific activities. In several functions federal funds tend to provide the incentive for carrying on scientific activity.

Table 2 provides a comparison of the functional distribution of

expenditures for scientific activities for the fiscal year 1954 among the six states. Half of the states spent more funds proportionately on agricultural scientific activities than on any other function. California spent approximately equal money for scientific activities in the fields of agriculture and the university. New Mexico emphasized resource development and public works in its scientific activity expenditures, and New York emphasized health, educa-

TABLE 2

*Functional Distribution of Expenditures for Scientific Activities:  
Fiscal Year 1954*

State	Agriculture*	Resource Devel. & Public Works	Health, Education and Welfare	University*	Other
California	33%	21%	6%	33%	7%
Connecticut	42%	16%	13%	17%	12%
New Mexico	26%	43%	10%	16%	5%
New York	28%	7%	45%	7%	13%
North Carolina	52%	10%	7%	27%	4%
Wisconsin	51%	13%	1%	32%	3%

\* Agricultural experiment stations' scientific activities are included under the heading "agriculture" rather than "university."

tion, and welfare. In contrast to New York, the other five states show a low emphasis in expenditure terms for scientific activity in health, education, and welfare.

In more detailed analyses of "conduct of research" only, the studies reported that the states, excepting New Mexico, spent more than half of their money in the life sciences, with the social science field in four states receiving the least attention. New York and North Carolina spent more money on social science research than on physical science. If agricultural and university research are excluded, two states (North Carolina and Wisconsin) carry on no basic research, and only New York with a ratio of 35.5% underwrites basic research significantly through general state appropriations.

The studies further indicate that the states are perhaps more



different in organization of scientific activities than in the relative amount and type of scientific activities. This difference in organization is especially marked in New York, which only in the last ten years has had a state university in the traditional sense. New York carries on large and significant research in physical and mental health through state departments whereas most such research in California and Wisconsin, for example, is carried on within the state university. Apart from differences in organization, differences in state problems affect research emphasis. Agricultural scientific activities in California emphasize types of specialty crops and semi-tropical fruits unknown in Wisconsin. And California spent about \$3.5 million (about 10% of its total scientific activity expenditures) in securing data and preparing plans for development of the state's water resources.

## Book Reviews

*The Soldier and the State*, by Samuel P. Huntington. Cambridge: The Belknap Press of the Harvard Press, 1957. Pp. 534. \$7.50.

Do you want our nation to be militarily secure? "The requisite for military security is a shift in basic American values from liberalism to conservatism." (464) If the connection seems obscure, that is because you have not come under the spell of the master of words<sup>1</sup> who wrote *The Soldier and the State*. Even the title illustrates his free choice of words. "Soldier" means commissioned officer. In the first chapter, "Officership as a Profession," he explains: "The enlisted men subordinate to the officer corps . . . have neither the intellectual skills nor the professional responsibility of the officer. They are specialists in the application of violence not the management of violence. Their vocation is a trade not a profession." (17-18) But in Korea the common soldier "developed a supreme indifference to the political goals of the war—the traditional hallmark of the professional." (389) Trade or profession, take your choice.

Returning to our starting point, what is this liberalism that endangers our military security? It takes various forms. It includes "the laissez-faire, property rights form of liberalism as exemplified, for instance, by Herbert Hoover." (89) It includes the fusionist who calls for broad-minded military statesmen to take the place of "the political decision-maker who must balance the desirability of maximizing military security against its cost in other values." This is "the most subtle and most persuasive form which liberal antimilitarism could assume." (352) In the liberal fold are those who regard large military forces as threats to liberty, democracy, economic prosperity, and peace. (156) There is also reform liberalism. This, in the years between World Wars I and II, "was composed of many elements frequently at odds with each other." (290) Under the banner of liberalism march Hoover's rugged individualists and New Deal "socialists." Only a genuine "liberal" could feel at home in such a motley crowd!

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<sup>1</sup> "When I use a word," Humpty Dumpty said, in rather a scornful tone, "it means just what I choose it to mean—neither more nor less."

"The question is," said Alice, "whether you *can* make words mean so many different things."

"The question is," said Humpty Dumpty, "which is to be the master—that's all."

All brands of liberalism are against military professionalism. Conservatism is not. Conservatism "is basically similar to the military ethic. . . . In its theories of man, society, and history, its recognition of the role of power in human relations, its acceptance of existing institutions, its limited goals, and its distrust of grand designs, conservatism is at one with the military ethic. Most importantly, conservatism . . . is not monistic and universalistic." (93) The author seems to have overlooked his assertion, four pages earlier, that "The military ethic is concrete, permanent, and universal." Is conservatism "at one with the military ethic" or isn't it?

To establish his claim that officership is a profession, he says: "The fact that, like the lawyer and the physician, he is continuously dealing with human beings requires him to have the deeper understanding of human attitudes, motivations, and behavior which a liberal education stimulates." (14) But "liberal and military education required different types of institutions: the one flourishing in a relaxed, skeptical atmosphere favorable to intellectual curiosity and discussion; the other requiring a disciplined, purposive, concentrated effort to absorb military values and military knowledge in the shortest possible time." (295) But if recruitment for the profession were "postponed until after college, military opinion feared that the manifold opportunities of American society, the diverse interests stimulated by civilian college life, and the relative unattractiveness of the military career would make it impossible to get officers of sufficient quality and quantity. In the unsympathetic American environment it was necessary to begin the military indoctrination and training of the future officer before he completely absorbed the prevailing antimilitary values and motivations." (295-6) In the 1920's and 1930's there was some increase in the liberal arts components of the curriculum at both West Point and Annapolis "without altering fundamentally the nature of service academy education." (296) If the officership profession needs the stimulation of a liberal education, will a service academy provide it, when cadets are not even allowed to debate recognition of Red China? Not while military circles believe that "American education was dominated by the philosophy of 'scholastic liberalism' which emphasized only scientific analysis and research and which rejected the old faiths and ideals. . . . The difference between civilian colleges and the military academies was the difference between 'institutions of opportunity' and 'institutions of obligation'." (311) This was found to be the dominant note in military thinking during the 1930's.

The author finds some evidence in the postwar decade "of the beginnings of a fundamental change which might herald the emergence of a new, more sympathetically conservative environment for military

institutions." As a true conservative, however, he remains skeptical of apparent change. "The 'new conservatives' were in some respects less conservative than they claimed to be." (457)

In spite of the above comments, this book contains insights and interpretations that may lead perceptive political scientists to modify some of their ideas concerning the constitutional separation of powers as it affects civil-military relations. The book does not attempt an historical description of civil-military relations although much historical material is used to support the author's theory. It may be conceded that "The study of civil-military relations has suffered from too little theorizing." Insofar as there is any widely accepted theory, it is probably "a confused and unsystematic set of assumptions and beliefs derived from the underlying premises of American liberalism."

A basic tenet of liberalism, ignored by the author, is a willingness to examine assumptions in the light of new evidence and to modify theory to accord more closely to observed facts. Disagreement with the author arises only when his own theory fails to take account of important factors, some of which he mentions. The liberal gives him credit for introducing the facts, even when they do not fit the theory; but he can not avoid some feeling of resentment at the author's blanket denunciation of liberalism in its multiform manifestations<sup>2</sup> as the only serious obstacle to effective civil-military relations. Equally objectionable is the identification of conservatism with the "military ethic" and the "military mind" which, he frankly admits, have not characterized such outstanding generals as Eisenhower or MacArthur (367) or, excepting General Ridgway, virtually all the field commanders in Korea. (390)

There may be theoretical value in distinguishing "subjective" and "objective" civilian control over the military. (80-83) The former maximizes "the power of some particular civilian group or groups." For example, the struggle between President and Congress is mainly over the distribution of power between them rather than between civilian and military. If one wants to enlarge the Air Force, the other opposes; and the roles may be reversed the next year. "The essence of objective civilian control is the recognition of autonomous military professionalism; the essence of subjective civilian control is the denial of an independent military sphere." (83) How far does this take us? May not the situation at a given time be more important than the theory? The author finds "autonomous military professionalism" has flourished during periods when the nation was least mindful of the need for military defense; but in World War II and afterward, the Joint Chiefs of Staff assumed many political functions (chapter 14).

<sup>2</sup> Isolationism and internationalism are both "liberal." (306)

Whatever the practical value of distinguishing subjective and objective civilian control, the distinction fortifies his contention that the United States Constitution "does not provide for civilian control. That is, it does not permit the objective civilian control compatible with a high level of military professionalism." (163) No disrespect for the framers is implied. "Military professionalism and civilian control as the subordination of that profession to political institutions were simply unknown to the eighteenth century." (164) The militia clauses come in for severe strictures since they necessitate inefficient "military federalism." Since 1903, dual control has existed only in time of peace, but the National Guard's political influence with Congress prevents its development as a professional military force.

The author uses the same subjective-objective distinction in analyzing the separation of powers. This is a "perpetual invitation, if not an irresistible force, drawing military leaders into political conflicts. Consequently, it has been a major hindrance to the development of military professionalism and civilian control in the United States." (177)

Is this conservatism? A theoretical standard has been set up. It is approximately attained only when military officers are virtually excluded from the current of national affairs, never in wartime. It calls for a readjustment of powers unattainable without a drastic overhauling of our constitutional system.

The concluding section, "The Worth of the Military Ideal," has Hegelian overtones. West Point's "ordered serenity" is contrasted with "the tiresome monotony and the incredible variety and discordancy of small-town commercialism" of the village of Highland Falls just south of the Academy. "The post is suffused with the rhythm and harmony which comes when collective will supplants individual whim." Whose is the "collective will?" Is the author's ideal a planned society, every one fitted into his proper niche? Plato's *Republic*?

HOWARD WHITE

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*The Roots of American Communism*, by Theodore Draper. New York: Viking Press, 1957. Pp. 498. \$6.75.

"For aught I know," John Adams once wrote, "this earth may be the lunatic asylum of the universe." The relevancy of this cry resounded in the reviewer's mind repeatedly as he tried unsuccessfully to master the labyrinthine details of *The Roots of American Communism* as carefully outlined by Theodore Draper. For a political scientist in search of "facts" after the tornadoes of Congressional

investigations have swept rationality into the stratosphere, the book under analysis represents a genuine challenge. To those political behaviorists who find truth only in a series of mathematical correlations, the volume will represent a recital of political mythology. To those modern dogmatists among the students of government who label political scientists as "fellow travellers" if they do not mount academic soapboxes to denounce Communism, *The Roots of American Communism* may well be called subversive, since the author is an ex-communist, one who was a participant-observer, a process characterized as uniquely advantageous by Professor Lasswell years ago. However, since the author never appeared before a Congressional committee to accuse his erstwhile comrades, he is not a "good" ex-communist.

Written by an ex-communist and subsidized by ex-capitalists (the Ford Foundation through the Fund for the Republic), *The Roots of Communism* seeks to describe simply, factually, and without passion the origin and development of American Communism. The roots are deeply imbedded in American soil, notably the tradition of radicalism spawned by the rise of industrialism and Big Business. A surprising number of the Communist leaders were first aroused by Populism and the revolt against the "trusts." For example, the son of Henry Demarest Lloyd was one. A second source of leadership was transplanted Slavs; in particular, those who came to the United States in the last part of the nineteenth and early twentieth century. It will be startling to one school of folklore to know that the Finns were heavily represented.

Unassimilated into the ways of American political democracy, many who did not speak English and felt profound ties to their old homelands found the ideology of Marxism very attractive. Friction between the "old" and "new" Americans furnished the basis for splits in the Marxist organizations which supplied some of the numerous splinters that subsequently developed. World War I and the Russian Revolution were the catastrophic events which produced the reactions ultimately climaxed by the formation of three or four American Communist parties. Moscow served the Third International with its warring dogmas as the bishopric of Rome served early Christianity. The center of success was the place where doctrinal disputes were brought for ultimate decision. American Communism unconsciously became a tool of the new Russian nationalism in the name of Marxian internationalism.

Drazer's account traces in considerable detail the various splinters and factional controversies which rent the Marxian conception of the apocalypse. These Lilliputian struggles for power supply very dull reading. The question naturally arises whether this careful delineation of detail was worth the effort and cost. Certainly little is contributed to the science of government. No new hypotheses are developed for

the study of human behavior. Only new glosses are added to the old texts showing the well nigh insuperable evidences of man's chronic stupidity.

Yet the honest student must conclude that the game of detailed analysis was worth the candle. Neither the apostles of Communism nor its most vocal opponents will agree. The compilation of evidence is persuasive, even convincing, but not conclusive. This is not the fault of the author. The behavior of John Reed, for example, is still shadowed by uncertainty. The testimony is conflicting and incomplete. Fortunately, Mr. Draper does not attempt by conjecture and inference to supply the missing gaps. He wins confidence by telling what is known, lists his sources, and leaves the lacunae to tantalize future writers.

*The Roots of Communism* bristles with footnotes, enough in fact to delight the heart of the most meticulous graduate dean or pedantic professor, but the account cannot rise higher than its sources. For example, Benjamin Gitlow's *I Confess* is cited on several occasions, but its inadequacies are pointed out and analyzed. Trained in duplicity, the most remorseful of ex-communists may still have a poor memory, but when two or more accounts concur the inference of validity grows.

*The Roots of Communism* is a first volume tracing developments to about 1924. Further studies will be forthcoming. They will be awaited with interest but not with excitement, for there is no promise of the discovery of material for glaring headlines, but rather more petty bickering and confusion. What then does emerge in fairly clear outline?

First, American Communism had its roots in Populism, Syndicalism (the I. W. W.), Socialism and the frustration of new immigrants. Secondly, the same conflict as elsewhere showed up between those who wished to use the political state for peaceful conquest and those who felt violent overthrow was necessary. Thirdly, the outbreak of World War I and American participation furnished the immediate occasion for driving a sharp wedge of cleavage between the two. Fourthly, the Russian Revolution, more accidental than planned or purposive, more the result of Allied blundering than of Lenin's foresight, made the prospect of the new day immediate. Fifthly, American Communism hypnotized by Russian Communism's success fell under the spell of Lenin and forgot the differences between American and Russian conditions and traditions. Sixthly, there were many claimants for the title of the American Lenin but no prospective Titos or Mao Tse-tungs. Seventhly, American Communism was both a conspiracy and a party, sometimes one, sometimes the other, and occasionally both. Eighthly, and this is a rather new touch, American Communism aped the



Russian party so closely that it was felt necessary to have internal intrigue, plotting, and splintering as a condition of success. Ninthly, American Communism was infiltrated by American police agents from the beginning, *agents provocateurs* in some cases, so that law enforcement officers sometimes knew more about party developments than the leaders of the party themselves. Tenthly, American patrioteers were naive and gullible, not infrequently becoming profitable "suckers" for revolutionary adventurers seeking fat cats.

Finally, the effrontery of the plotters for the Marxist heaven is matched by the timidity of American officials who were so easily alarmed. To paraphrase one of the most over worked quotations of modern times: Never were so many so badly frightened by so few. Never did so little fire create so much smoke.

JASPER B. SHANNON

*University of Nebraska*

*The Loyal and the Disloyal: Social Boundaries of Patriotism and Treason*, by Morton Grodzins. Chicago: University of Chicago Press, 1956. Pp. 319. \$4.00.

*Loyalty in America*, by John H. Schaar. Berkeley: University of California Press, 1957. Pp. 217. \$3.50.

Morton Grodzins has written a series of stimulating essays on the whys and wherefores of national loyalty and disloyalty. These essays will scarcely get him either the good conduct badge of the Boy Scouts or an award of merit from the American Legion. In the best tradition of academic journalism, he has sought to shock the good bourgeois and, doubtless, his work will get on a list. Grodzins feels that disloyalty, like syphilis, is something that should be brought into the open, talked about frankly, humorously and medicinally. In his words, "No person is a complete patriot or a complete traitor. All are traitriots. Just as all men have a little neurosis in them, so it is that all have a trace of the traitor."

A list that stretches from Antigone, Sir Thomas More, George Washington and Robert Lee to Lord Haw Haw and the humble occupants of Japanese Relocation Centers indicates the wide vulnerability of mankind to the "disease" of political disloyalty. Given the motive and the opportunity, all men may succumb; few, if any, are wholly immune. There is much to be said for a natural history of patriotism and treason that treats the phenomena with clinical objectivity. Unfortunately, when we leave the clear constitutional definition of treason, the objectively ascertainable acts of espionage and sabotage,

we embark on a trackless sea of opinion. As Grodzins says of the loyalty program, "What is also needed is an accurate understanding of what loyalty and disloyalty are." Unfortunately, unlike diseases, these phenomena are difficult of significant objective determination and unlike diseases, they will vary with time and place.

Grodzins quotes Aristotle to the effect that the good man and the good citizen will not always be the same. Given Aristotle's ethic, this discrimination can be made, but can a value-neutral social science with any show of candor do the same? What meaning has a category of traitors that lumps Washington and Lord Haw Haw, Aaron Burr and the Rosenbergs? Perhaps there is a calculus of loyalty and disloyalty that casts a meaningful light on one and all. Certainly circumstances and motives of the human actors are immensely varied, as Grodzins abundantly shows.

In Chapter 10 Grodzins sets out to answer the question, "Are some social groups more likely than others to contain traitors or potential traitors? Can these groups be defined?" Apparently they can. "There is less political expression of adolescent alienation where marriages are contracted early or where, as in rural areas, work programs are relatively fixed, demanding of time and energy, and productive of satisfactory relationships to enterprise, work companions, or family groups." Or again we know something about banquet waiters. "Having virtually no loyalties at all, the waiters under proper circumstances might build very strong direct patriotic ties to their nation. But, by the same token, with proper cultivation by the proper outside nation, it can be predicted that such a group would supply a higher proportion of traitors than other groups." Here we have independent confirmation of Marx's views on the lumpen proletariat. Again, "The very exposure of college students to new idea systems, including Marxism, leads some to question established political loyalties and to seek new ones."

A Benthamite calculus of pleasures and pains modified to take account of Freud and modern sociology is a fruitful source of insight. As Grodzins says, "The scheme of balancing joys and sorrows, assessing their linkage to current loyalties, and measuring the availability of alternatives, provides a way of looking at shifts in all sorts of loyalties. The problem of marital infidelity, for example, can be viewed as we have viewed national infidelity. A husband's potentiality for unfaithfulness can be measured in terms of his available alternatives. As in the case of national disloyalty, a shift in any factor can have effects on the others: if 'alternatives' are numerous, a little unhappiness can be used to justify a great amount of infidelity." Grodzins shows an amazing confidence in this technique. He says, "As with changes in national and marital loyalty, so with changes in religion. The histories

of Christian denominationalism can be read in the terms used here. So can, indeed, the emergence of Christianity itself." If, indeed, "the terms" provide a fruitful reading, we have here developed a veritable political philosopher's stone.

John Schaar, in his *Loyalty in America*, addresses himself to analyzing the changing concepts of loyalty in America as a problem in political thought. While this might seem a far cry from the more arduous task of providing a prolegomena to a Kinsey report on national fidelity and infidelity, it provides insights of much the same order as the "behavioral" approach and a depth of philosophic and historical perspective that gets the subject under a degree of intellectual control. As Schaar sees it, the American people, under strain, are moving away from an older concept of loyalty that might be characterized as loyalty to freedom to a newer, less palatable concept of "orthodoxy-conformity," most clearly exemplified in the practice of the loyalty boards and Congressional committees. He traces the background of the older concept in five elements: (1) the concept of treason and disloyalty; (2) the relation between loyalty and the theory of just government; (3) the nation of limited government and the private life; (4) the separation of political loyalty from other loyalties; and (5) the growth of pluralistic loyalty. He finds that "American loyalty, as an aspect of American nationalism, has moved from devotion to liberty and localism over to order and nationalism." The American school system which has become the guardian of American ideals evinces "a dual tradition, one side of which sees loyalty as the final product of freedom and diversity expressed within a growing and creative community, whereas the other tends to see loyalty as the fruit of restriction, conformity, and the inculcation of received principles."

Schaar sees the second of these concepts as the reaction of a society profoundly lacking in confidence and tightening its ranks in the face of change. "In modern America certain social, economic, political and ideological changes of large scope, high complexity, and rapid movement have generated a number of tensions or insecurities within the social order, which have resulted in a plea (or demand) for increased collective unity and conformity; the cry for loyalty is a cry for closing the ranks in the face of the unknown and the dangerous." The halcyon days of Jefferson, the Declaration of Independence, the cracker barrel atheist and the village radical have given way to the rotten apple theory of the loyalty board and the doctrine of the safe man. Schaar laments, "Gone is the grand confidence of the time when we believed that men would be loyal to America because the American promise would inspire loyalty in all who were given a chance to share it. Now we rely on ritual professions of loyalty, we

suspect diversity and unorthodoxy, we build a massive administrative system to assure us that our schools, factories, and government are not riddled by subversives."

In their respective ways Schaar and Grodzins express their disbelief in the efficacy and disgust with the thought control philosophy of the loyalty boards, their own loyalty to libertarian, pluralistic democracy and their belief that the times are out of joint. The thrust of both these books is to the conclusion that the problem of loyalty is an ethical problem, that it is deeply involved in a clash of political philosophies and that the moral problem of the right of revolution cannot be evaded without lumping Washington with the Rosenbergs and Mindzenty with Bela Kun. Without ethical discrimination, we confuse politics with science and end up with tested recipes for manipulation, fit to produce contented cows in any "Animal Farm."

NORTON E. LONG

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*Life, Language, Law: Essays in Honor of Arthur F. Bentley*, edited by Richard W. Taylor. Yellow Springs: The Antioch Press, 1957. Pp. 223. \$4.50.

Part of the essays in this stimulating volume were written expressly to honor Arthur F. Bentley, but many of the most provocative had been prepared for other occasions and are included as examples of the ferment of ideas to which Mr. Bentley made notable contribution. The book is ingeniously constructed. Richard Taylor begins the first essay by reference to Bentley's concern with the linguistic reforms needed to free social inquiry from ancient hobbles, recounts Bentley's arduous search for systematic tools of inquiry and analysis, and suggests the inroads that scientific inquiry may make in value systems. Sidney Ratner adds a second succinct survey of Bentley's life and work, replying to numerous Bentley critics. To this core the editor then carefully ties in nine essays, each setting forth a contemporary position on some area of Bentley's interest. For further exploration most essays are followed by extended bibliographies.

Bertram Gross, taking cue from Bentley's verbal suggestion that nothing short of a full scale reformulation of economics would align it with reality, attempts "the immodest task of sketching the dim outline of the coming revolution in economic thought." Among the revolutionists he lists Commons, Galbraith, Rostow, Keynes, Dahl, Lindblom, Neil, Chamberlain, Bernard, and Allin, and he ventures to abstract from them a revolutionary pattern.

With a touch of realism in the clearest Bentley tradition, editor Taylor includes, then, a reprint of a study by Adelbert Ames, Jr. on some physiologic peculiarities of the relation between the observer and the observed and an article by P. W. Bridgman arguing that the idea of "error" cannot arise in the relationship of the observer to any event of stark simplicity (like the flash on the screen of the spintharoscope) but only when events become involved with other events.

Charles B. Hagan compares the Bentley idea of group (a sum of activities out of which is to be abstracted that which is relevant to the authoritative allocation of values) with the major competing idea (in which the group is reified as a thing of independent existence—an enlarged individual) and urges the former as answering the requirement that scientific concepts shall offer the simplest and most realistic approach.

Sidney Hook makes a strong bid to finish off the current cold war against metaphysical or ontological philosophers (Heidegger, Hartmann, Randall, Tillich). Denying that there is any such thing as "Being" or any metaphysically generic or pervasive trait of existence, he proposes that we call "ontological" only those statements or propositions which we believe cognitively valid but which are not found in any particular science, as "There are many colors in the world" or "Some processes are evolutionary."

Don Calhoun attacks the tendency of each organization to instill in people an illusion of its own rationality, selling them a sense of organizational security at the cost of personal anxiety and frustration. Lundberg joins forces with George Kennan in blaming the alleged weaknesses of foreign policy on the preference of many people for a legalistic-moralistic approach over a scientific one and finds in this same preference a source of confusion in the whole field of social science. Felix Cohen then asks a number of questions of those who assume the existence of human rights. What sort of evidence can establish a human right and exactly what rights does such evidence establish?

As epilogue to the book there appears the brief "transactional" statement that Bentley originally prepared for delivery at the Washington dinner in his honor in 1953, an article which will be of particular interest to those who attended. The concluding bibliography lists his six books and thirty-three published articles, some written in collaboration with John Dewey.

One of the most revealing essays is that by Ludwig von Bertalanffy, in part because it inclines to spill over a bit into the vague speculation that Bentley tried to avoid. Those who, like Bertalanffy, seek to reduce the unfortunate compartmentalization of the sciences, must as yet work

with few tools of universal bearing. The idea of "feed-back" promises to be one of the more useful. The concept of "negative entropy," having been artificially induced by changing the signs in an equation of the Second Law of Thermodynamics, has wandered through the physical and biological sciences like a lost soul, with somewhat better chance of finding a home in theories of social evolution.

The volume by itself amply exemplifies Bentley's belief that the road to salvation lies elsewhere than along the worn paths of scholasticism. It also symbolizes the rockiness of any more direct approach to the social microcosm. Breadth of attack appears here as a function of its precision, and in both dimensions Bentley emerges as awe inspiring, despite the fact that little has yet been done with the more difficult essays of his later years.

This book is a land mark, instructive to study and rigorous in its discipline. Rarely have essays honoring a writer so clearly reflected his personality. The volume does not much help the reader define the limits of Bentley's contribution but, more pertinently, it memorializes the formidably austere honesty of one of that remarkable group of philosophers who launched the affirmative thesis of the bright early dawn of the century.

WARREN ROBERTS

*Wabash College*

*Harlan Fiske Stone: Pillar of the Law*, by Alpheus Thomas Mason.  
New York: The Viking Press, 1956. Pp. 914. \$8.75.

There is a natural and proper reluctance to label any human endeavor as "definitive," and the term should not be applied to this book. However, Professor Mason has produced the finest biographical effort to date on the late Chief Justice. The years to come may bring something superior, but that will take a bit of doing. All of the ingredients are here—sources, original and secondary, published and unpublished; a scholarly handling of these; and a picture that in all but a few instances offers all of the detail that one could reasonably expect.

The story of Stone's life is told completely, yet without loss of interest. From his birth at Chesterfield, New Hampshire through boyhood, his entrance into Massachusetts Agricultural College where he was expelled for participating in a "chapel rush," his transfer to Amherst, his teaching in secondary schools, then on to Columbia Law School, later practicing law in New York, teaching at Columbia Law, later Dean, then Attorney General and finally to the Supreme Court of the United States, the details are told objectively and most inter-



estingly. By far the greater part of the book is taken up with the story of Stone as Associate Justice and as Chief Justice.

On the Court, Stone's social and economic views were in general accord with those of his right-wing colleagues. Yet he was generally associated with Holmes and Brandeis as "The Three Musketeers." This seeming contradiction Mason explains as being a matter of "fundamental differences as to the relation of law and of the judicial process to 'the social and economic forces which control society.'" (306) Stone profoundly believed that the function of the Court was not to hold unconstitutional legislation regarded by the justices as bad or unwise. "Both New Dealers and Old Guard misunderstood his position and regarded his forthright denunciation of judicial usurpation as wholehearted sanction of Roosevelt's entire legislative program." (417) Stone solidly maintained that the power of the courts to declare a statute unconstitutional is subject to two guiding principles. "One is that courts are concerned only with the power to enact statutes, not with their wisdom. The other is that while unconstitutional exercise of power by the executive and legislative branches of the Government is subject to judicial restraint, 'the only check upon our own exercise of power is our own sense of self-restraint.'" (417)

One of the most interesting portions of the book deals with the story of the change in attitude by the Court, led by Chief Justice Hughes, following President Roosevelt's "court packing" proposal. Later, with Roosevelt appointees on the Court, Stone found himself still battling to keep the Court at what he regarded as its proper function. "During most of Stone's first ten years on the bench he had striven constantly against reactionary efforts of the Four Horsemen [Butler, McReynolds, Sutherland, and Van Devanter] to embroil the Court in politics. It was now evident that in the years ahead he would have to strive against the politically slanted crusades of the New Dealers. A judge, Stone believed, has no right to be doctrinaire and has no unfettered commission to read his preference into the Constitution. The primary obligation of a judge is to be faithful to the charter of government he expounds." (487)

It is interesting to note how cleverly Stone managed to give his ideas on public questions rather wide publicity through others in the literary and journalistic fields, while remaining completely in the background himself. Also, his real and continuing, but private, interest in partisan politics is a revealing side of Stone. At all times Stone retained his judicial mien. His objectivity in deciding cases was remarkable. He followed his constitutional principles, not his views on public policy. "The truth is that I feel obliged to uphold those laws which



make me gag." (556) As Chief Justice, Stone had continuing difficulties with the newly-appointed justices in their disregard of precedent and their inability to work together. He had great concern for the dignity of the Court. He especially disliked "extra-curricular" assignments for the justices, such as Justice Jackson's activities at the Nuremberg trials. Stone's continuing distrust of the New Deal is repeatedly emphasized by Mason.

The enormous detail of the book is expertly handled without being encyclopedic. As might be expected, this is a good history of American government and politics as well as constitutional development for the period beginning with the Coolidge administration. One of the real contributions the book makes is the series of "looks behind the scenes" at the Court—the correspondence between the justices, the memos jotted down on the advance copies of opinions, the "human" side of the justices. Mason adds his own views at times, but the whole book is basically objective in its approach. For the most part, Stone and the others speak for themselves without the book being in any sense "a bundle of quotations."

The appendix of the book carries most of the footnotes (always an inconvenient arrangement), a chronology of Stone's life, a listing of the law clerks to Chief Justice Stone, a list of the opinions of Stone as Associate Justice and as Chief Justice, and some notes on his legal writings.

PAUL C. BARTHOLOMEW

*University of Notre Dame*

*Models of Man: Social and Rational*, by Herbert A. Simon. New York: John Wiley and Sons, 1957. Pp. 287. \$5.00.

*Administrative Behavior: A Study of Decision-Making Processes in Administrative Organization*, by Herbert A. Simon. New York: The Macmillan Co., 1957 (second edition with new introduction). Pp. 259. \$5.00.

*Common Frontiers of the Social Sciences*, edited by Mirra Komarovsky. Glencoe, Ill.: The Free Press, 1957. Pp. 440. \$6.00.

While the subject matters of these books are very different, their separate approaches have much in common. All three range across several disciplines in their choice of topic and method. They are behaviorally oriented, which is to say that they are mainly concerned with dynamics rather than with form and structure. Finally, their major substantive concerns are to one side of the interests of most

political scientists. Simon's *Models of Man*, in particular, will be heavy and even impossible going for political scientists untrained in mathematics; and some of the essays in *Common Frontiers of the Social Sciences* will appear, at least at first glance, to be peripheral to the central foci of the profession.

But peripheral at first glance only, or because of the general lack of mathematical training in the discipline. If one takes the view that no subject or method is too difficult, too "different," too remote, or too fenced in by the claims of another discipline, for political scientists to study, these books can be fairly regarded as contributions to the literature of the profession. If the authors have broader interests, or have been more rigorously trained, than the rest of us, this hardly indicates that their work is less concerned with political science than our own endeavors. The crucial question is whether these books can illuminate our understanding of significant problems. If they can do so, our failure to understand them, and/or appreciate them, reflects less on their authors' competences than on our own.

The most familiar—in the several senses of that term—of the three books is, of course, Simon's *Administrative Behavior*. In the twelve years since it was first published, it has become something of a classic, if controversial, work in the field of public administration. Any comment here, pro or con, on Simon's conception of public administration, or on the various efforts, of which this book is one example, to transform public administration into a true administrative science, would be out of place in a short review. Instead the reviewer will simply recommend strongly that this second edition be read or re-read, as the case may be, and especially Simon's "Introduction to the Second Edition." These thirty-odd pages are a remarkable achievement, in that they present Simon's critical review of his own work, his reflections on developments in the field since the first edition, and his estimate of the place of the book in the continuing study of administrative behavior. The "Introduction" thus serves not merely to introduce the book to the reader, but to introduce the reader to the administrative world of which the book is a part, and in which its author has become a respected figure. Authors of second edition books would do well to adopt this mode of communication between themselves and their readers.

Simon's other recently published book, *Models of Man*, is a collection of essays, largely mathematical, that have been published in a variety of journals. The range of mathematical model applications is considerable, from game theory developments to "Notes on the Observation and Measurement of Political Power." No one should have difficulty with this latter paper, which first appeared in the *Journal of*

*Politics*, and there are a small number of other essays which do not require an extreme sophistication in mathematical knowledge. But as Simon himself has pointed out on several occasions, there is really no easy way to a mastery of mathematics, once one decides it is important in the social sciences, and worth study. In the event that any reader of this review is sympathetically inclined toward a mathematical orientation, he may be interested in Simon's recommendation that he study R. G. D. Allen, *Mathematical Analysis for Economists*. This book, writes Simon, will "carry him through the calculus," and provide him as well, if he does the exercises, with a survey of mathematical economics as it was constituted at the beginning of World War II. The reviewer will venture the further thought that there should be a place in the political science curriculum for Allen's book, and that the sooner the profession takes steps to remedy the lack of mathematical and statistical training at the graduate level, the better.

One major question about *Common Frontiers of the Social Sciences* has to do with the title of the book. Komarovsky's version of the social sciences embraces history, economics, and sociology, and most of us undoubtedly like to think that we share some "Common Frontiers" with these disciplines. It may be that the editor believes that political science as a social science suffers from marginality—a not uncommon belief outside the profession—or perhaps she feels that there are no frontiersmen in our ranks. If she does subscribe to either of these beliefs, she is inadequately informed.

Her collection of essays is, nevertheless, very useful, and many of them will be of considerable interest to political scientists. Lee Benson, for example, is concerned to disprove, or cast doubt upon, some popularly held "explanations" of past voting decisions, namely, those of 1824, 1884, and 1896. Arguing that systematic voting statistics, analysed over time, are more reliable guides to public opinion than impressionistic source materials, Benson throws new light on the reasons for Blaine's defeat by Cleveland in 1884, and on the nature of Bryan's support in 1896. His essay more broadly demonstrates that the modern study of voting behavior need not confine itself solely to present and future elections.

The remaining papers in *Common Frontiers* deal with "popular" culture in 18th century England, French public opinion after the Liberation in 1944, the relevance of public opinion research to the historian's interests and needs, various aspects of factory sociology, the role of survey research in economics, reflections on Keynesian economics and psychology, and certain characteristics of trade union behavior. All of these essays are suggestive, and some of them will be influential in shaping future research approaches. Since the book

contains notes to the individual essays but no index, the reader must compose his own as he proceeds.

ARNOLD A. ROGOW

State University of Iowa

*American Democracy Under Pressure*, by Donald C. Blaisdell. New York: The Ronald Press, 1957. Pp. 324. \$5.00.

This is an introductory and yet rather mature and well written treatment of American governmental and political processes in terms of the influence and power of organized groups in the formulation, determination, and adjudication of public policy. In approach and methodology it leans heavily on the studies of A. F. Bentley, Robert MacIver, Earl Latham, David Truman, and Pendleton Herring, on Congressional hearings dealing with the influence of lobbies and lobbyists, and, with certain important changes and additions, on Professor Blaisdell's own monograph "Economic Power and Political Pressures" prepared in 1941 for the Temporary National Economic Committee.

To understand the essential character of governmental decisions and actions in the American democracy, a realistic and meaningful analysis, Professor Blaisdell contends, would have to go beyond the more formal political institutions to come to grips with the nature and techniques of our ubiquitous and multitudinous pressure groups, which are of "equal if not greater importance" than the agencies of government, the political parties, the electorate or even public opinion. (p. 27) Their power is further emphasized since our peculiar constitutional preference for a diffusion of political power through federalism, separation of power, and the politics of localism is accompanied by no similar preference for diffused power within our socio-economic pressure groups. Quite to the contrary, these groups have generally been characterized by homogeneity in composition and purpose and by their remarkable ability to coordinate their tactical moves irrespective of state and sectional lines.

Blaisdell discusses the interplay of group and national interest as it emerges through mediation and reconciliation from such intermediaries of public policy as political parties, public opinion, propaganda, the Congress and the courts. In this process, the national party system in and out of Congress as a confederation of state parties, undisciplined, vacillating, candidate-centered, and largely incapable of offering cohesive legislation and leadership, stands less condemned than reluctantly acknowledged as perhaps properly indigenous to our type of federal republic. The President and his bureaucracy are found to be no less central to the demands of pressure groups for favor, protection, or

assistance than Congress, the regulatory agencies or the courts. Moreover, organized group influence can somehow leap laterally from "clientele" executive bureau to "clientele" Congressional sub-committee often unknown, at least initially, to both the President and the leadership in Congress at large.

Domestic public policy actually originates neither with the President, public opinion, or Congress. It appears to be more often a particular pressure group that is the actual informal initiator and generator of a policy which is then subsequently to be transformed by these public agencies into a public policy. What threatens our American democracy in this political climate, according to Blaisdell, is not so much the reality of an organized group basis of politics as the technically highly competent and advanced art of propaganda and the engineering of consent and of conformity carried on by such groups.

The mass communication industries—the newspapers, periodical press, radio, television and motion pictures—facilitated and assisted by pitifully ineffective lobby control legislation, fail to live up to their social responsibility by not providing citizens with the type of background knowledge and pressure group analysis that is so much needed for a more mature policy judgment and reflection. The Federal Regulation of Lobbying Act of 1946 is severely indicted for its imprecise wording, excessive inattention to contributors of less than five hundred dollars, its failure to designate an adequate enforcement machinery, and most significantly, its failure to include in its prohibitions the more indirect influences upon legislators—the so-called "grass-roots" lobbies.

In his chapters on the dilemma of lobby regulation and on the techniques of lobbies and pressure groups, probably the most interesting in the book, Blaisdell aligns himself squarely with the majority report of the Buchanan Committee (the House Select Committee on Lobbying Activities, 1950) although he is fully aware of the complex constitutional issues posed by the traditional safeguards surrounding the sacred right of petition. The Buchanan committee report had insisted that any statutory definition of lobbying must include not only those specific efforts aimed at influencing the members of Congress directly, but if such a definition is to be at all effective, it must address itself to the less obvious and more indirect group pressures also. As only recently so well illustrated by the activities of the oil lobbies in connection with the Harris-Fulbright bill, Congress can no longer afford to ignore the intensive and vast flow of propaganda channeled through committed interest groups within a legislator's home constituency.

Aside from conjectures as to the likelihood of eventual Congressional

success, Blaisdell would no doubt approve, though perhaps label as overly cautious, the language of section 306 (e) in the Legislative Activities Disclosure Act as recommended by the McClellan Committee in 1957. Under provisions of this section, the regulatory powers of the act would apply to "any person who has made expenditure exceeding \$50,000 in the aggregate within the preceeding twelve months, in presenting a program addressed to the public, a substantial portion of which is intended, designed or calculated to influence legislation."

This text, while it certainly did not introduce any distinctly new and novel thesis and while it could perhaps have profitably extended this important analysis of our American democracy under pressure to some of the major aspects of policy-making in state and local government as well, does reflect in the main most creditably the author's wide administrative and teaching experience, his balanced judgment, his sense of realism, and his extensive reading.

G. THEODORE MITAU

*Macalester College*

*Limited War: The Challenge to American Strategy*, by Robert Endicott Osgood. Chicago: University of Chicago Press, 1957. Pp. 315. \$5.00.

This is a clear, well-organized, and important book about the necessity of America's preparation for limited, as well as total, war. It is Robert Osgood's second book published under the auspices of the Center for the Study of American Foreign Policy at the University of Chicago, under the direction of Hans J. Morgenthau. The first was entitled *Ideals and Self-Interest in America's Foreign Relations* (1953).

The author proposes as a basic question: "How can the United States employ military power as a rational instrument of foreign policy when the destructive potentialities of war exceed any rational purpose?" Since he presents convincing evidence to show that the Communists are most likely to undertake limited aggression, the basic answer to the question is that America must develop every type of defensive capacity. This would include adding perhaps ten divisions to our combat-ready ground forces, as a mobile reserve to be stationed at key areas around the Communist perimeter. The total cost of such measures might approximate fifty billion dollars annually, instead of the recent average of thirty-five. Such expenditures would not endanger a "sound" economic system, but would be politically feasible



only if Americans grasp more fully the need for this strategy, which would demand "revision of the country's traditional approach to war and to the use of military power."

The book is divided into three parts: (1) "War and Policy," developing the theory of limited war, along with a comparison of the American and Communist approaches to war; (2) "The Lessons of History," showing the decline of limited war and the advent of total war in the twentieth century; and (3) "American Strategy," analysing the present period of war, and America's policy of containment as it has developed since World War II. The final chapter is devoted to the problem of developing an American "strategy of limited war." For the basic theory of limited war, Osgood relies primarily on Von Clausewitz ("political primacy" and "economy of force"). For America's military policy since 1941, he uses the several important Congressional committee hearings, commission studies, and the writings of statesmen, generals, and military commentators. His concern is broader than pure "military" strategy, as he endeavors to "illumine the general principles and basic requirements of an over-all national strategy." The book is especially valuable for its detailed analysis and interpretation of the changing emphases in America's military policies since 1941.

In comparing our time with the previous modern periods of limited war (as 1648-1792 and 1815-1914) and unlimited war (the religious wars of the sixteenth and seventeenth centuries and the Napoleonic wars), the author shows that almost none of the past conditions which encouraged limited war are present today. Although the world is thus ripe for unlimited war, we may be, he suggests, on the very threshold of a new era of limited war. All the wars since 1945 have in fact been limited, in this age of terrifying capacity for destruction. After analysing four ways in which total war might be precipitated between the United States and Russia, Osgood concludes that the chief danger of war will come from minor Communist aggressions and limited Communist intervention in the wars of third powers. The chief danger of this sort of aggression would be in the "gray areas" stretching from Iran to Korea, where the Communists might not fear "total" American retaliation.

Americans have had a tendency to think in terms of total war and unconditional surrender, while Communist strategy seems more adaptable to limited war. Yet Americans have shown a remarkable capacity since World War II to adapt to the policy of "containment," as a limited objective. The clearest lesson of the wars in Korea and Indochina, the author believes, is that unless the United States has the will and capacity to support local defense by limited war, our ability



to drop bombs will not effectively deter or stop aggression. But the Korean War did demonstrate America's ability to fight a limited war, and was the "single most significant event in the development of American postwar strategy." Yet internal schisms have raised questions as to America's capacity to do this again. Osgood suggests that in the fall of 1956 (when the book was apparently completed), it appeared that the United States was actually losing its capacity to fight anything but the smallest police action or the largest nuclear conflict. This was opening the possibility of piecemeal Communist expansion and Communist blackmail in various areas—all of which might eventuate in the total war we hope to avoid.

For the United States to be able to wage both limited and total war, it must have a flexible weapons system, strategy and diplomacy—capable of "graduated deterrence." The United States possesses the economic and industrial capacity for supporting this program, and the superior means of transportation to enable it to fight limited wars effectively. Osgood sees the free world strengthened by the use of tactical nuclear weapons, but discusses the various questions involved—such as the "peculiar moral revulsion" they inspire, and the possible difficulty of keeping a war limited when such weapons are used. He believes that Americans can change their traditional approach to war, if their leadership is wise and courageous in this direction.

Yet one may wonder about the possible effects of stressing this larger military program at the present time, when there is hope of moves toward the reduction of arms. What might be the international political effects of moving ten more American divisions into strategic areas around the world?

Furthermore, although this is a matter of fundamental viewpoint, Osgood weakens his case, in the opinion of the reviewer, by unnecessary criticism of the idealistic basis of American foreign policy. He makes an effort to avoid this, by giving both the realistic and idealistic arguments from time to time in support of "limited" policies, and he properly reminds American "idealists" that their goals must be attained through a series of moderate steps. But to one who believes that America's moral-democratic position is the key to her effective world leadership, it is disturbing to have this position minimized and to be as critical as Osgood seems to be of the possible role of the United Nations and the principle of "collective security." Is it enough to say that we should formulate "concrete political aims, expressing the particular power interests of the United States throughout the various strategic areas of the world"? Is there not more hope of the ultimate "liberation" of certain Communist areas?

One sometimes has the feeling that the book is asking Americans to

adopt as their basic goal the "limitation of war"; but it would appear more logical to believe that limited war is merely a "means" for attaining goals which must emanate from the American spirit, and give Americans the zeal to support such an expensive program of preparation both for limited and total war. It should be possible to combine America's idealistic aspirations and realistic principles—even as Osgood sometimes suggests in this stimulating study of the practical strategic problems raised by America's world leadership in the era of nuclear weapons.

FRANK L. KLINGBERG

*Southern Illinois University*

*When Labor Votes: A Study of Auto Workers*, by Arthur Kornhauser, Albert J. Mayer and Harold L. Sheppard. New York: University Books, Inc., 1956. Pp. 347. \$5.00.

*Ballot Position and Voters' Choice*, by Henry M. Bain and Donald S. Hecock, with a foreword by V. O. Key. Detroit: Wayne State University Press, 1957. Pp. 108. \$1.95.

*Political Party Patterns in Michigan*, by Stephen B. and Vera H. Sarason, with a foreword by David Truman. Detroit: Wayne State University Press, 1957. Pp. 76. \$1.75.

Although all three of these books are accounts of studies of politics in Michigan, they should not be brushed aside as insignificant or irrelevant by political scientists throughout the nation. David Truman, in his foreword to *Political Party Patterns in Michigan*, reminds us that "The apparent uniqueness of the Michigan party system points to the need for a great many sophisticated studies of operative party structure in various states and localities." All three of these books are a credit to the work being done at Wayne State University in the study and publication of such "sophisticated studies" as these studies of certain aspects of party structure and function and of political behavior, whether it relates to the ordinary poorly informed voter or to the efforts of such an important pressure group as the UAW-CIO.

The longest of the three books provides us with an important and objective analysis of the voting of the members of the UAW-CIO in the 1952 presidential election. It attempts to relate the voting of the union members in Detroit to important attitudes of the individual. These include his trust of union political recommendations, his view of the role of his union and of business in their attempts to influence elections and government, and his feelings of political futility, degree of authoritarianism, social alienation, and life satisfaction.

In the last section the authors, who include two sociologists and a psychologist, draw some conclusions of importance not only to the union leadership but to students of politics and teachers of government. One conclusion seems to the reviewer to be significant enough to be worthy of quotation. "On the whole, auto workers in the Detroit area were found to vote in agreement with union recommendations, to express trust in these recommendations, and generally to approve labor's political activities. There is no support here for a picture of top-level political maneuvering that lacks membership backing."

Considerable evidence is presented which shows the effect of poor education on the political behavior of the auto workers. Such evidence does not support the conclusion which is often drawn that when union members become better educated they will no longer support the political views and the political demands of their organizations. In fact, the study shows that the younger, better educated workers are most likely to be included in the "Prolabor-Politicals," a grouping used to include the workers who give active support to the political views of the union.

The authors' contribution to our knowledge of the voting of union members is valuable. But the value of the study does not end with labor union members. Other voters probably react in much the same way. Since many voters are members of important pressure groups, the findings in this study may have far-reaching application.

Bain and Hecock in *Ballot Position and Voters' Choice* present some valuable data on the effect of the arrangement of names on the ballot on the choices made by voters. The authors raise some significant and disturbing questions about the workings of this fundamental aspect of the democratic process. The evidence which they present is admittedly inadequate and somewhat sketchy, but their information leads to some important conclusions and some equally important suggestions of value to political scientists.

One such conclusion is that "a very considerable advantage accrues to the candidates whose names appear in certain positions on the primary ballot and voting machine in Michigan. The evidence from Ohio and other states suggests that this phenomenon is not confined to Michigan." The first position in a vertical list was universally the preferred one on paper ballots and the top row was favored in most cases on machines. In order to overcome such advantages, the authors not only advocate required rotation of names, but more effective education of voters regarding issues and candidates' views, and simplified ballots and machines.

The Sarasohns in *Political Party Patterns in Michigan* present an interesting historical analysis of the changes that have taken place in

Michigan political parties in the last four decades. The study emphasizes the role of factions in party history and party development. Many of these factions have been the result of the efforts of party leaders to gain control of their party for reasons of influence, power, and often patronage. They conclude, however, that the political parties in Michigan today are no longer dominated by factions which are personality-oriented, but to factions which are policy-oriented. The real struggle in Michigan politics today is over the policies which will be enacted into law by the state legislature and the views which the Michigan delegation to Congress will hold toward important questions of national and state interest. They stress the importance of the major automobile companies and of the United Automobile Workers in Michigan politics. The authors go beyond a legal analysis and do not try to reduce politics to statistics.

LEO C. STINE

*Western Michigan University*

*Special District Governments in the United States*, by John C. Bollens.  
Berkeley: University of California Press, 1957. Pp. 280. \$4.50.

Burgeoning special districts are a continuing phenomenon of local government in the United States. Special districts have multiplied to the point where they now constitute nearly two-thirds of all the governmental units in the United States. The increasing number of districts, other than school districts, could be assumed to be a natural development accompanying demographic changes. However, because the effects of their existence have not always been fully realized, they have taken on phantom-like qualities. The time for appraisal is now at hand and Professor Bollens has skillfully displayed the significant patterns of special district governments. Descriptions of special districts are often obscured by a profusion of legal and statistical detail, but this work is an original and insightful study dealing with the major impacts of these governments.

Precise analyses can proceed only upon a basis of dependable classification. Bollens has demonstrated that there are metropolitan, urban fringe, coterminous, rural, school, and dependent district governments. Function is also shown to be a basis for classification. It is with the relationship of function to a real identification of the special districts that the author has developed significant conclusions. He has emphatically demonstrated that the inflexibility of cities and other traditional general purpose local governments within the confinement of territory and powers often make special district governments inevitable.

Thus special districts are often symptoms of the shortcomings of cities and other general purpose local governments.

Simplicity of government is seemingly promoted by removing a function from the entanglement of local government and placing it in the hands of special function authorities. Paradoxically, however, the welter of special district governments that have resulted through the repetition of this course of action have only caused additional confusion with respect to public understanding, civic participation, and especially intergovernmental fiscal and other types of official relations. The author never departs from the criterion of civic participation. In the functioning of involved governments such as school districts, for example, some of the doubt about the detachment of this function from general purpose government is removed when it is demonstrated that by their very nature schools are close to the public and therefore operate under close public scrutiny. The detachment of other functions has come about many times as a consequence of our national pattern of federalism. Housing authorities are detached because of the functional union of local and national offices. The author's penetration beyond superficial appearances is indicated by his attention to functional practices which cannot be explained solely by attention to legal forms. With respect to housing authorities, which are co-terminous with cities and other local governments, he has discovered that in some states they are dependent upon general local governments and not detached as might be assumed.

This work is replete with conclusions and recommendations produced by careful studies. Outstanding examples of the various types of special district governments are presented. Taken in its entirety, the work would be a useful guide in the hands of citizens interested in appraising the special district approach toward the solution of local government problems.

JAMES A. JARVIS

Wayne State University

*The Office of Governor in the United States*, by Coleman B. Ransone, Jr. University: University of Alabama Press, 1956. Pp. 417. \$6.00.

Students of state government will welcome this book. Based on interviews with numerous governmental officials, politicians, and newsmen in some twenty-five states and a careful analysis of available statistical data, the volume is readable, informative, and provocative. Its goal is, according to the author, to provide "a description and analysis of the functions of the American governor." In the present status

of research in this area, Ransone has undertaken a herculean labor, and for the most part, he has measured up to the task.

The book is divided into three parts. The first, consisting of five chapters, is concerned with gubernatorial politics; the second, comprising a like number of chapters, analyzes the nature and problems of the "executive function"; the concluding part, a lone chapter, is devoted to the governor and democratic control.

In order to analyze gubernatorial politics, Ransone divides the states into three groups; one-party states (twelve southern states plus Vermont and New Hampshire), "normally democratic or republican states" (arranged in order of percentage of elections won, 1930-50, Arizona, New Mexico, West Virginia, Kentucky, Utah, Rhode Island, Nevada, Missouri, and Maryland as democratic states, and eleven republican states—California, Pennsylvania, Maine, South Dakota, Kansas, Iowa, Wisconsin, Oregon, North Dakota, Minnesota, and Nebraska), and the remaining fourteen, termed "two-party" states. Much space is devoted to a justification of the classification system and the propriety of individual state classifications. After appropriately establishing the schematic frame of reference, Ransone analyzes the character of gubernatorial politics. This part of the book is a distinct contribution to political understanding. His description of dual-factionalism in one-party states, his data and observations on the nominating systems, his evidence of the variable character of state politics, his quotations from interviews with governors, and his survey of campaign techniques and costs are worthy of careful perusal and will prove valuable reference for a long time to come.

The second major part of the volume analyzes the executive function in terms of policy formation, public relations, and management. The author, as a result of his field surveys, concludes that Southern governors are much more concerned with policy formation, other governors with management. Policy formation includes the role of the governor in formulating policy in legislation, administration, and partisan politics. The public relations role, Ransone found, is the most time-consuming of the governor's functions. The chapters dealing with the governor as manager explore gubernatorial relations to Little Hoover Commissions, appointments, constitutional officers, and fiscal matters. The final part consists of a chapter entitled, "Quest for Accountability," and contains a well reasoned argument for the short ballot approach to state administration.

This book is another monument to the plight of researchers in state government. The author's journeys took him to twenty-five states—no inexpensive project. Yet one wonders whether the results might not have been modified if the other twenty-three had been surveyed,



for repeatedly the author stresses the variations that exist among the states.

In addition to the cost attributable to distance and the need to consider forty-eight jurisdictions, the student of state government is confronted with the "steer-clear" areas of which we have too many. To understand the office of governor one needs to know the extent and type of deals made in both politics and management, the sources of financial support, and the arrangements which are made for employee kick-backs. These are not matters on which interviews with governors are apt to provide reliable quotations. Nowhere in this book is there an analysis of who becomes governor; no attempt is made to compare the caliber and training of governors with that of their subordinates.

We have needed Ransone's book, but we have need for much more. After we have analyzed election statistics and required campaign and lobbyist reports, and after we have carefully collected interview statements, we are eventually going to have to face the questions: what are the forces which determine state government, how can they be measured, and how are they controlled?

W. O. FARBER

University of South Dakota

*Swords into Plowshares: The Problems and Progress of International Organization*, by Inis L. Claude, Jr. New York: Random House, 1956. Pp. 497. \$6.75.

In *Swords into Plowshares* Inis Claude has furnished the most significant theoretical study of the underlying assumptions and operating principles of current international organization since Werner Levi's *Fundamentals of World Organization*. The time is ripe for this study since developments of six more years of United Nations experience furnish additional background for a new perspective, and since Claude's analysis is based on a more detailed examination of the problem areas of United Nations activities than that of Levi.

Claude expresses a fundamental respect for the current contributions of international organization and a faith in its potential to deal with the solution of international problems. He assumes that the development of a more viable world order depends on the gradual creation of the roots of world community. He believes that world government, if it ever develops, must be based largely on non-compulsive rather than coercive methods of control. Yet his analysis is replete with caution and with an examination of alternative probabilities for each problem of international organization. Here one finds no blind



optimism, but a penetrating diagnosis of failures and pitfalls and the reasons for progress as well as stalemate and frustration.

A cursory examination of the title and introduction to the book may lead to some false impressions of the scope of the work. One might assume from the subtitle that he would find within these pages a broader description of the activities of international organization, although Claude disclaims this intention in his preface. Perhaps the use of the term "international organization" also implies broader coverage than a closer examination will support, for not more than ten per cent of the text deals with the experiences of the League of Nations, another ten per cent analyzes historical data on current activities outside the United Nations, and the great bulk of the study is written in the perspective of the United Nations. Claude is therefore more accurate in his claim to a theoretical and political orientation for his work than in his assumption of great emphasis upon a historical approach or upon non-United Nations material. Claude best expresses his goal in the statement "... the time has come when it would be useful to make explicit, and thus subject to critical evaluation, the unarticulated assumptions which have in fact served as the theoretical underpinnings of experiments in international organization." (p. 7) This goal he has achieved in brilliant and penetrating fashion in every chapter. The consistency and thoroughness of his examination of the alternatives for each problem area and the balancing of the elements of optimism and pessimism in each situation provide a measure of objectivity that lends substance to the work. His chapter on "The Grand Debate Approach to Peace" shows unusual imagination and insight.

Claude has no doubt created difficulties for himself by frequent references to his direct disagreement with the "realistic" school of power politics. For others a fault may be thought to lie in the theoretical study of international organization as just another exercise in semantics or mental gymnastics. Still others who are looking for a new textbook in international organization will find this study lacking in fundamental background information which a student must acquire before he can fully appreciate and comprehend the elements of Claude's analysis.

In spite of these possible objections, Claude has contributed brilliantly to the understanding of problems in an area of increasing importance. The problems are complex but he has dealt with them with clarity and thoroughness. His style of writing is easily followed and is engaging. He uses lucid illustrations and scholarly yet provocative phraseology. The book is altogether stimulating and informative.

A. LEROY BENNETT

*Drake University*

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The Midwest Conference of Political Scientists and the American Political Science Association will sponsor a panel discussion on "Studies in Electoral Behavior" at the 124th annual meeting of the American Association for the Advancement of Science, which will be held in Indianapolis December 26-30, 1957. Presided over by Professor Charles S. Hyneman, Jr. of Indiana University, the panel will convene at 10:00 A.M. on Sunday, December 29, at the Lincoln-Sheraton Hotel. James A. Robinson, Congressional Fellow of the American Political Science Association, will present a paper on "Contesting for Office and Voter Participation: The Case of Indiana," and Warren E. Miller, of the University of Michigan, will read a paper on "Socio-Economic Factors and Response to Political Issues in the 1956 Presidential Election." Discussants will include Philip S. Wilder, Jr. of Wabash College, and Frank Munger of Syracuse University.

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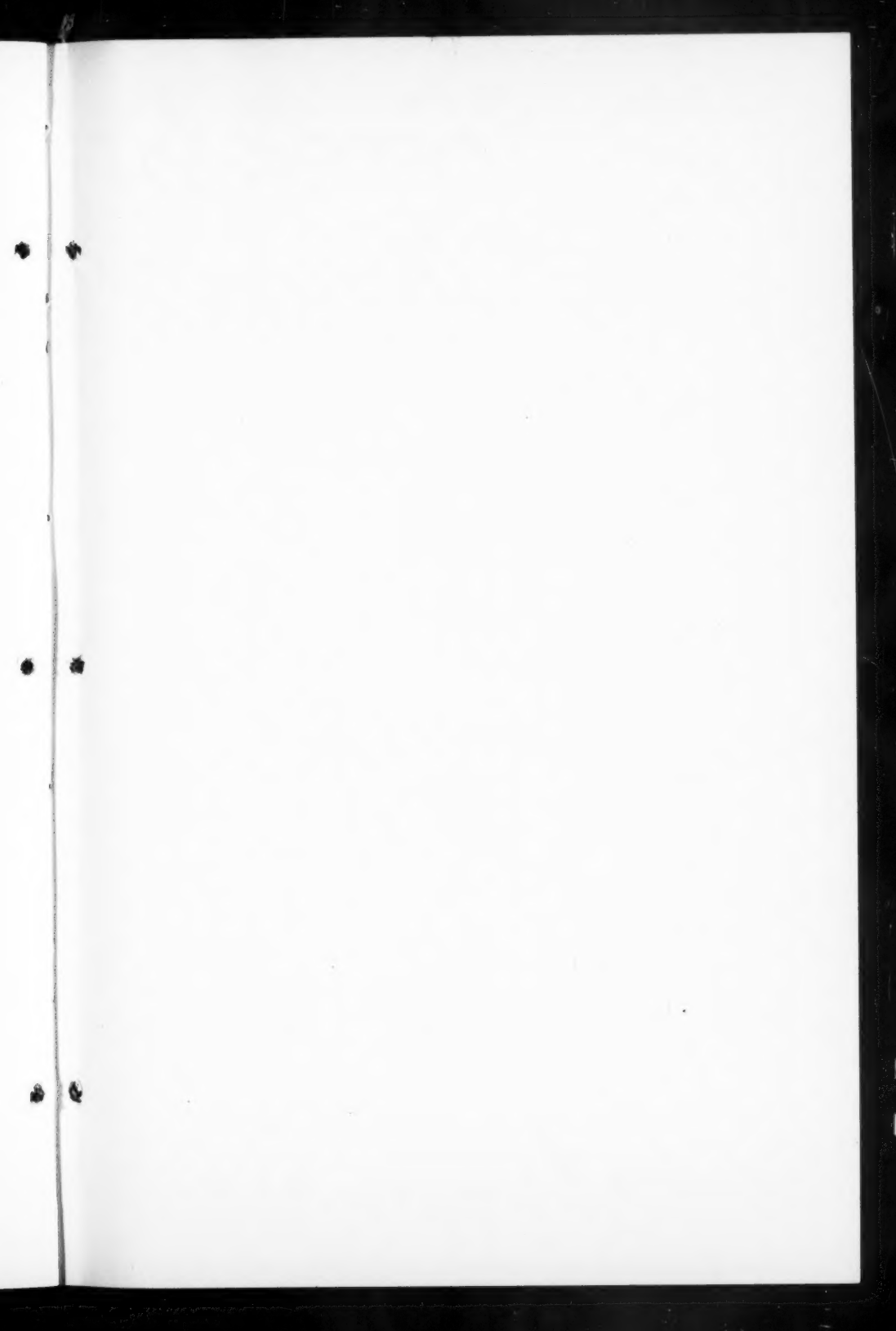
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The **MIDWEST JOURNAL OF POLITICAL SCIENCE** is the official publication of the Midwest Conference of Political Scientists. It is published quarterly, in February, May, August, and November, by *Wayne State University Press*, Detroit. It is a general review open to all members of the profession and to all areas of the discipline of political science.

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